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THE

HISTORY OF ROME

THEODOR MOMMSEN.

TRANSLATED,

WITH THE AUTHOR'S SANCTION AND ADDITIONS,

BY

THE REV. WILLIAM P. DICKSON

CLASSICAL EXAMINER IN THE UNIVERSITY OF ST. ANDREWS.

WITH A PREFACE BY DR. LEONHARD SCHMITZ.

VOL. I.

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LONDON:

RICHARD BENTLEY, NEW BURLINGTON STREET,

Publisher in Ordinary to Her Majesty.

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LONDON: PRINTED BY W. CLOWES AND SONS, STAMFORD STREET AND CHARING CROSS.

PREFACE.

Dr. Theodor Mommsen's researches into the languages, laws, and institutions of ancient Rome and Italy are now so well known and appreciated by the best scholars of this country, that it may seem presumptuous on my part to step forward for the purpose of introducing his work on Roman history to the English public. I should indeed have been glad to leave this duty to others, or have allowed the book to take its own chance, feeling quite sure that no words of mine are likely to attract readers, and that the work itself, in its English garb, will become as popular in this country as it is in the land of its birth. But several years ago, I was applied to by more than one enthusiastic admirer of Dr. Mommsen in Germany to do something towards making his History of Rome known in this country, and a repeated perusal of the German original led me to the conviction that its author richly deserved the admiration of his countrymen. I accordingly felt it both a duty and a pleasure, some years back, to prevail upon my friend, Mr. George Robertson, to give to the public at least a specimen of the book, in an English translation of the first, or introductory chapters, on the early inhabitants of Italy—a subject on which no man is better entitled to be listened to with respect and attention than Dr. Mommsen. The specimen which was then published would, I hoped, create a desire for the whole work, and in this hope I have not been disappointed. The result is the present translation; of its merits it does not become me to speak in this place. But

I may be permitted to remark that, unlike the common run of translations from the German, it was undertaken by Mr. Dickson entirely as a labour of love, and that his sole object has been to lay before his countrymen a masterwork of a foreign literature, and to spare no trouble to do justice to its author.

Here my functions might cease, and I might safely leave the book to tell its own tale; but for the younger generation of students I would fain venture to add one or two observations on the relation in which Mommsen's work stands to its predecessors, and especially to Niebuhr, for he himself scarcely ever enters into any controversial discussions with those who have laboured before him in the same field, and whose names he in fact hardly ever mentions. In regard to this point it ought to be borne in mind that Dr. Mommsen's work, though the production of a man of most profound and extensive learning and knowledge of the world, is not so much designed for the professional scholar as for intelligent readers of all classes, who take an interest in the history of bygone ages, and are inclined there to seek information that may guide them safely through the perplexing mazes of modern history. Much that could not but be obscure and unintelligible in the days of Niebuhr has since been made clear by the more extended researches of numerous scholars in this and other countries; many mistakes unavoidable to the first inquirers have been rectified; and many an hypothesis has been proved to be without solid foundation; but with all this the main results arrived at by the inquiries of Niebuhr, such as his views of the ancient population of Rome, the origin of the Plebs, the relation between the patricians and plebeians, the real nature of the ager publicus, and many other points of interest, have been acknowledged by all his successors, and however much some of them may be inclined to cavil at particular opinions, it must be owned that the main pillars of his grand structure are still unshaken, and are as such tacitly acknowledged by Dr. Mommsen, who in the present work has incorporated all that later researches have brought

to light in the history not only of Rome, but of all other nations which in the course of time became subject to the City of the Seven Hills. Many points no doubt are still matters of mere conjecture, and Dr. Mommsen has nothing to offer in such cases but theories; but whatever ultimately their value may be found to be, they are at all events evidences of progress, and will act as a stimulus to the students of our days as did the views of Niebuhr to his contemporaries half a century ago.

L. SCHMITZ.

Edinburgh, December, 1861.

PREFATORY NOTE BY THE TRANSLATOR.

In requesting English scholars to receive with indulgence this first portion of a translation of Dr. Mommsen's "Römische Geschichte," I am somewhat in the position of Albinus; who, when appealing to his readers to pardon the imperfections of the Roman History which he had written in indifferent Greek, was met by Cato with the rejoinder that he was not compelled to write at all—that, if the Amphictyonic Council had laid their commands on him, the case would have been different—but that it was quite out of place to ask the indulgence of his readers when his task had been self-imposed. I may state, however, that I did not undertake this task, until I had sought to ascertain whether it was likely to be taken up by any one more qualified to do justice to it. When Dr. Mommsen's work accidentally came into my hands some years after its first appearance, and revived my interest in studies which I had long laid aside for others more strictly professional, I had little doubt that its merits would have already attracted sufficient attention amidst the learned leisure of Oxford to induce some of her great scholars to clothe it in an English dress. But it appeared on inquiry that, while there was a great desire to see it translated, and the purpose of translating it had been entertained in more quarters than one, the projects had from various causes miscarried. Mr. George Robertson published an excellent translation (to which, so far as it goes, I desire to acknowledge my obligations) of the introductory chapters on the early inhabitants of Italy; but other studies

and engagements did not permit him to proceed with it. I accordingly requested and obtained Dr. Mommsen's permission to translate his work.

The translation has been prepared from the *third* edition of the original, published in the spring of the present year at Berlin. The sheets have been transmitted to Dr. Mommsen, who has kindly communicated to me such suggestions as occurred to him. I have thus been enabled, more especially in the first volume, to correct those passages where I had misapprehended or failed to express the author's meaning, and to incorporate in the English work various additions and corrections which do not appear in the original. The author has also furnished me with some interesting notes, such as that on the Servian census at page 95, that on the word *vates* at page 240, and that on Appius Claudius at page 292. With reference to the latter I have inserted in an appendix Dr. Mommsen's more matured views as embodied by him in a paper on the Patrician Claudii recently read before the Prussian Academy. The note at page 442, on the treaties with Carthage, has been extracted from the author's work on Roman Chronology—a book which, in addition to its intrinsic merits, derives a peculiar interest from the fact, that it is written in friendly controversy with the author's own brother.

In executing the translation I have endeavoured to follow the original as closely as is consistent with a due regard to the difference of idiom. Many of our translations from the German are so literal as to reproduce the very order of the German sentence, so that they are, if not altogether unintelligible to the English reader, at least far from readable, while others deviate so entirely from the form of the original as to be no longer translations in the proper sense of the term. I have sought to pursue a middle course between a mere literal translation, which would be repulsive, and a loose paraphrase, which would be in the case of such a work peculiarly unsatisfactory. Those who are most conversant with the difficulties of such a task will probably be the most willing to show forbearance towards the shortcomings of my performance, and

in particular towards the too numerous traces of the German idiom, which, on glancing over the sheets, I find it still to retain.

The reader may perhaps be startled by the occurrence now and then of modes of expression more familiar and colloquial than is usually the case in historical works. This, however, is a characteristic feature of the original, to which in fact it owes not a little of its charm. Dr. Mommsen often uses expressions that are not to be found in the dictionary, and he freely takes advantage of the unlimited facilities afforded by the German language for the coinage or the combination of words. I have not unfrequently, in deference to his wishes, used such combinations as "Carthagino-Sicilian, Romano-Hellenic," &c., although less congenial to our English idiom, for the sake of avoiding longer periphrases.

In Dr. Mommsen's book, as in every other German work that has occasion to touch on abstract matters, there occur sentences couched in a peculiar terminology and not very susceptible of translation. There are one or two sentences of this sort, more especially in the chapter on Religion in the 1st volume, and in the critique of Euripides in the last chapter of the 2nd volume, as to which I am not very confident that I have seized or succeeded in expressing the meaning. In these cases I have translated literally.

In the spelling of proper names I have generally adopted the Latin orthography as more familiar to scholars in this country, except in cases where the spelling adopted by Dr. Mommsen is marked by any special peculiarity. At the same time entire uniformity in this respect has not been aimed at.

I have ventured in various instances to break up the paragraphs of the original and to furnish them with additional marginal headings, and have carried out more fully the notation of the years B.C. on the margin.

Two more volumes of still deeper interest bring down the history to the fall of the Republic. Dr. Mommsen has expressed his intention of resuming the work and narrating the History of the Empire, but the execution of this plan has

been suspended owing to his other engagements. He is at present occupied, under the auspices of the Prussian Academy of Sciences, in editing a great collection of Latin Inscriptions—a field of labour which he has made peculiarly his own.

It is due to Dr. Schmitz, who has kindly encouraged me in this undertaking, that I should state that I alone am responsible for the execution of the translation. Whatever may be thought of it in other respects, I venture to hope that it may convey to the English reader a tolerably accurate impression of the contents and general spirit of the book.

WILLIAM P. DICKSON.

Manse of Cameron,
St. Andrews,
December, 1861.

EXTRACT FROM DR. MOMMSEN'S PREFACE.

THE Varronian computation by years of the City is retained in the text; the figures on the margin indicate the corresponding year before the birth of Christ.

In calculating the corresponding years, the year 1 of the City has been assumed as identical with the year 753 B.C., and with Olymp. 6, 4; although, if we take into account the circumstance that the Roman solar year began with the 1st day of March, and the Greek with the 1st day of July, the year 1 of the City would according to more exact calculation correspond to the last ten months of 753 and the first two months of 752 B.C., and to the last four months of Ol. 6, 3 and the first eight of Ol. 6, 4.

The Roman and Greek money has uniformly been commuted on the basis of assuming the libral *as* and *sestertius*, and the *denarius* and Attic *drachma*, respectively as equal, and taking for all sums above 100 *denarii* the present value in gold, and for all sums under 100 *denarii* the present value in silver, of the corresponding weight. The Roman pound (= 327·46 *grammes*) of gold, equal to 4000 sesterces, has thus according to the ratio of gold to silver 1 : 15·5 been reckoned at 286 Prussian *thalers* (about £41).

Kiepert's map will give a clearer idea of the military consolidation of Italy than can be conveyed by any description.

DR. MOMMSEN

DEDICATES THE FIRST VOLUME OF HIS WORK

"TO HIS FRIEND,

MORIZ HAUPT, OF BERLIN."

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BOOK FIRST.

THE PERIOD ANTERIOR

TO

THE ABOLITION OF THE MONARCHY.

Τὰ παλαιότερα σαφῶς μὲν εὑρεῖν διὰ χρόνου πλῆθος ἄδύνατα ἦν· ἐκ δὲ τεκμηρίων ὧν ἐπὶ μακρότατον σκοποῦντι μοι πιστεῦσαι ξυμβαίνει οὐ μεγάλα νομίζω γενέσθαι, οὔτε κατὰ τοὺς πολέμους οὔτε ἐς τὰ ἄλλα.

THUCYDIDES.

CHAPTER I.

INTRODUCTION.

Ancient history.

THE Mediterranean Sea with its various branches, penetrating far into the great Continent, forms the largest gulf of the ocean, and, alternately narrowed by islands or projections of the land and expanding to considerable breadth, at once separates and connects the three divisions of the Old World. The shores of this inland sea were in ancient times peopled by various nations, belonging in an ethnographical and philological point of view to different races, but constituting in their historical aspect one whole. This historic whole has been usually, but not very appropriately, entitled the history of the ancient world. It is in reality the history of civilization among the Mediterranean nations; and as it passes before us in its successive stages, it presents four great phases of development,—the history of the Coptic or Egyptian stock dwelling on the southern shore, the history of the Aramæan or Syrian nation, which occupied the east coast and extended into the interior of Asia as far as the Euphrates and Tigris, and the histories of the twin-peoples, the Hellenes and Italians, who received as their heritage the countries bordering on its European shores. Each of these histories was in its earlier stages connected with other regions and with other cycles of historical evolution, but each soon entered on its own peculiar career. The surrounding nations of alien or even of kindred extraction,—the Berbers and Negroes of Africa, the Arabs, Persians, and Indians of Asia, the Celts and Germans of Europe,—came into manifold contact with the peoples inhabiting the borders of the Mediterranean, but they neither imparted unto them nor received from them any in-

fluences of really decisive effect upon their respective destinies. So far, therefore, as cycles of culture admit of demarcation at all, we may regard that cycle as an unity which has its culminating points denoted by the names Thebes, Carthage, Athens, and Rome. The four nations represented by these names, after each of them had attained in a path of its own a peculiar and noble civilization, mingled with one another in the most varied relations of reciprocal intercourse, and skilfully elaborated and richly developed all the elements of human nature. At length their cycle was accomplished. New peoples who hitherto had only laved the territories of the states of the Mediterranean, as waves lave the beach, overflowed both its shores, severed the history of its south coast from that of the north, and transferred the centre of civilization from the Mediterranean to the Atlantic Ocean. The distinction between ancient and modern history, therefore, is no mere accident, nor yet a mere matter of chronological convenience. What is called modern history is in reality the formation of a new cycle of culture, connected at several epochs of its development with the perishing or perished civilization of the Mediterranean states, as that was connected with the primitive civilization of the Indo-Germanic stock, but destined, like that earlier cycle, to traverse an orbit of its own. It too is destined to experience in full measure vicissitudes of national weal and woe, periods of growth, of full vigour, and of age, the blessedness of creative effort, in religion, polity, and art, the comfort of enjoying the material and intellectual acquisitions it has won, perhaps also, some day, the decay of productive power in the satiety of contentment with the goal attained. But that goal too will only be temporary: the grandest system of civilization has its orbit, and may complete its course; but not so the human race, to which, even when it seems to have attained its goal, the old task is ever set anew with a wider range and with a deeper meaning.

Italy.

Our aim is to exhibit the last act of this great historical drama, to relate the ancient history of the central peninsula projecting from the northern continent into the Mediterranean. It is formed by the mountain-system of the Apennines branching off in a southerly direction from the western Alps. The Apennines take in the first instance a south-easterly course between the broader gulf of the

Mediterranean on the west, and the narrow one on the east; and in the close vicinity of the latter they attain their greatest elevation, which, however, scarce reaches the line of perpetual snow, in the Abruzzi. From the Abruzzi the chain continues in a southerly direction, at first undivided and of considerable height; after a depression which forms a hill-country, it splits into a somewhat flattened succession of heights towards the south-east, and a more rugged chain towards the south, and in both directions terminates in the formation of narrow peninsulas.

The flat country on the north, extending between the Alps and the Apennines as far down as the Abruzzi, does not belong, geographically, nor until a very late period, even historically, to the southern land of mountain and hill, the Italy whose history is here to engage our attention. It was not till the seventh century of the city, that the coast-district from Sinigaglia to Rimini, and not till the eighth, that the basin of the Po became incorporated with Italy. The ancient boundary of Italy on the north was not the Alps, but the Apennines. This mountain-system nowhere rises abruptly into a precipitous chain, but, spreading broadly over the land and enclosing many valleys and table-lands connected by easy passes, presents conditions which well adapt it to become the settlement of man. Still more suitable in this respect are the adjacent slopes and the coast districts on the east, south, and west. On the east coast the plain of Apulia, shut in towards the north by the mountain-block of the Abruzzi, and only broken by the steep isolated ridge of Garganus, stretches in an uniform level with but a scanty development of coast and stream. On the south coast, between the two peninsulas in which the Apennines terminate, extensive lowlands, poorly provided with harbours, but well watered and fertile, adjoin the hill-country of the interior. The west coast presents a far-stretching domain, intersected by considerable streams, in particular by the Tiber, shaped by the action of the waves and of the once numerous volcanoes into manifold variety of hill and valley, harbour and island, and forming, in the regions of Etruria, Latium, and Campania, the very flower of the land of Italy. South of Campania, the land in front of the mountains gradually diminishes, and the Tyrrhenian Sea almost washes their base. Moreover, the island of Sicily adjoins Italy, as the Peloponn-

nesus adjoins Greece, the largest and fairest isle of the Mediterranean, having a mountainous and partly desert interior, but girt, especially on the east and south, by a broad belt of the finest coast-land, mainly the result of volcanic action. Geographically the Sicilian mountains are a continuation of the Apennines, hardly interrupted by the narrow "rent" (Ῥήγιον) of the straits; and in its historical relations Sicily was in earlier times quite as decidedly a part of Italy as the Peloponnesus was of Greece,—an arena for the struggles of the same races, and the seat of a similar superior civilization.

The Italian peninsula resembles the Grecian in the temperate climate and wholesome air that prevail on its hills of moderate height, and on the whole, also, in its valleys and plains. In development of coast it is inferior; it wants, in particular, the island-studded sea which made the Hellenes a seafaring nation. On the other hand, Italy excels its neighbour in the rich alluvial plains, and the fertile and grassy mountain-slopes, which are requisite for agriculture and the rearing of cattle. Like Greece, it is a noble land, calling forth and rewarding the energies of man, providing for restless adventure paths to distant lands, and for quiet exertion modes of peaceful gain at home.

But, while the Grecian peninsula turns towards the east, the Italian turns towards the west. As the coasts of Epirus and Acarnania had but a subordinate importance in the case of Hellas, so had the Apulian and Messapian coasts in that of Italy; and, while the regions on which the historical development of Greece has been mainly dependent —Attica and Macedonia—look to the east, Etruria, Latium, and Campania look to the west. In this way the two peninsulas, such close neighbours and almost sisters, stand, as it were, averted from each other. Although the naked eye can discern from Otranto the Acroceraunian mountains, the Italians and Hellenes came into earlier and closer contact on every other pathway rather than on the nearest across the Adriatic Sea. In their case too, as has happened so often, the historical vocation of the nations was prefigured in the relations of the ground which they occupied; the two great stocks, on which the civilization of the ancient world grew, threw their shadow as well as their seed, the one towards the east, the other towards the west.

Italian history.

We intend here to relate the history of Italy, not

simply the history of the city of Rome. Although, in the formal sense of political law, it was the civic community of Rome which gained the sovereignty first of Italy, then of the world, such a view cannot be held to express the higher and real meaning of history. What has been called the subjugation of Italy by the Romans appears rather, when viewed in its true light, as the consolidation into an united state of the whole Italian stock—a stock of which the Romans were the most powerful branch, but still were only a branch.

The history of Italy falls into two main divisions, (1) its internal history down to its union under the leadership of the Latin stock, and (2) the history of its sovereignty over the world. Under the first section, which will occupy the first two books, we shall have to set forth the settlement of the Italian stock in the peninsula; the imperilling of its national and political existence, and its partial subjugation, by nations of other descent and older civilization, Greeks and Etruscans; the rebellion of the Italians against the strangers, and the annihilation or subjection of the latter; finally, the struggles between the two chief Italian stocks, the Latins and the Samnites, for the hegemony of the peninsula, and the victory of the Latins at the end of the 4th century before the birth of Christ—or of the 5th century of the city. The second section opens with the Punic wars; and embraces the rapid extension of the dominion of Rome up to and beyond the natural boundaries of Italy, the long *status quo* of the imperial period, and the collapse of the mighty empire. These events will be narrated in the third and following books.

CHAPTER II.

THE EARLIEST MIGRATIONS INTO ITALY.

Primitive races of Italy.

We have no information, not even a tradition, concerning the first migration of the human race into Italy. It was the universal belief of antiquity that in Italy, as well as elsewhere, the first population had sprung from the soil. We leave it to the province of the naturalist to decide the question of the origin of different races, and of the influence of climate in producing their diversities. In a historical point of view it is neither possible, nor is it of any importance, to determine whether the oldest recorded population of a country were autochthones or immigrants. But it is incumbent on the historical inquirer to bring to light the successive strata of population in the country of which he treats, in order to trace, from as remote an epoch as possible, the gradual progress of civilization to more perfect forms, and the suppression of races less capable of, or less advanced in, culture by nations of higher standing.

Italy is singularly poor in memorials of the primitive period, and presents in this respect a remarkable contrast to other fields of civilization. The results of Germanic antiquarian research lead to the conclusion that in England, France, the North of Germany and Scandinavia, before the settlement of the Indo-Germans in those lands, there must have dwelt, or rather roamed, a people, perhaps of Mongolian race, gaining their subsistence by hunting and fishing, making their implements of stone, clay, or bones, adorning themselves with the teeth of animals and with amber, but unacquainted with agriculture and the use of the metals. In India, in like manner, the Indo-Germanic settlers were preceded by a dark-coloured population less susceptible of culture. But in Italy we neither meet with fragments of a

supplanted nation, such as the Finns and Lapps in the Celto-Germanic domain and the black tribes in the Indian mountains; nor have any remains of an extinct primitive people been hitherto pointed out there, such as appear to be revealed in the peculiarly-formed skeletons, the places of assembling, and the burial mounds of what is called the stone-period of Germanic antiquity. Nothing has hitherto been brought to light to warrant the supposition that mankind existed in Italy at a period anterior to the knowledge of agriculture and of the smelting of the metals; and if the human race ever within the bounds of Italy really occupied the level of that primitive stage of culture which we are accustomed to call the savage state, every trace of such a fact has disappeared.

Individual tribes, or in other words, races or stocks, are the constituent elements of the earliest history. Among the stocks which in later times we meet with in Italy, the immigration of some, of the Hellenes for instance, and the denationalization of others, such as the Bruttians and the inhabitants of the Sabine territory, are historically attested. Setting aside both these classes, there remain a number of stocks whose wanderings can no longer be traced by means of historical testimony, but only by *à priori* inference, and whose nationality cannot be shown to have undergone any radical change from external causes. To establish the national individuality of these is the first aim of our inquiry. In such an inquiry had we nothing to fall back upon but the chaotic mass of names of tribes and the confusion of what professes to be historical tradition, the task might well be abandoned as hopeless. The conventionally-received tradition, which assumes the name of history, is composed of a few serviceable notices by civilized travellers and a mass of mostly worthless legends, which frequently have been combined with little discrimination of the true character either of legend or of history. But there is another source of tradition to which we may resort, and which yields information fragmentary but authentic; we mean the indigenous languages of the stocks settled in Italy from time immemorial. These languages, which have grown with the growth of the peoples themselves, have had the stamp of their process of growth impressed upon them too deeply to be wholly effaced by subsequent civilization. One only of the Italian languages is known to us completely; but the

remains which have been preserved of several of the others are sufficient to afford a basis for historical inquiry regarding the existence, and the degrees, of family relationship among the several languages and peoples.

In this way philological research teaches us to distinguish three primitive Italian stocks, the Iapygian, the Etruscan, and that which we shall call the Italian. The last is divided into two main branches,—the Latin branch, and that to which the dialects of the Umbri, Marsi, Volsci, and Samnites belong.

Iapygians. As to the Iapygian stock, we have but little information. At the south-eastern extremity of Italy, in the Messapian or Calabrian peninsula, inscriptions in a peculiar extinct language * have been found in considerable numbers; undoubtedly remains of the dialect of the Iapygians, who are very distinctly pronounced by tradition also to have been different from the Latin and Samnite stocks. Statements deserving of credit and numerous indications lead to the conclusion that the same language and the same stock were indigenous also in Apulia. What we at present know of this people suffices to show clearly that they were distinct from the other Italians, but does not suffice to determine what position should be assigned to them and to their language in the history of the human race. The inscriptions have not yet been, and it is scarcely to be expected that they ever will be, deciphered. The genitive forms, *aihi* and *ihi*, corresponding to the Sanscrit *asya* and the Greek οιο, appear to indicate that the dialect belongs to the Indo-Germanic family. Other indications, such as the use of the aspirated consonants and the avoiding of the letters *m* and *t* as terminal sounds, show that this Iapygian dialect was essentially different from the Italian, and corresponded in some respects to the Greek dialects. The supposition of an especially close affinity between the Iapygian nation and the Hellenes finds further support in the frequent occurrence of the names of Greek divinities in the inscriptions, and in the surprising facility with which that people became Hellenized, presenting a striking contrast to the shyness in this respect of the other Italian nations.

350 B.C. Apulia, which in the time of Timæus (400 U. C.), was still described as a barbarous land, had in the sixth century of

* Some of the epitaphs may give us an idea of its sound; as *θeotoras artahiaihi bennarrihino* and *dazihonas platorrihi bollihi*.

the city become a province thoroughly Greek, while no direct colonization from Greece had taken place; and even among the ruder stock of the Messapii there are various indications of a similar tendency. With the recognition of such a general family relationship or elective affinity between the Iapygians and Hellenes (a recognition, however, which by no means goes so far as to warrant our taking the Iapygian language to be a rude dialect of Greek), investigation must rest content, at least in the mean time, until some more definite and better assured result be attainable.* The lack of information, however, is not much felt; for this race, already on the decline at the period when our history begins, comes before us only when it is giving way and disappearing. The character of the Iapygian people, little capable of resistance, easily merging into other nationalities, agrees well with the hypothesis, to which their geographical position adds probability, that they were the oldest immigrants, or the historical autochthones of Italy. There can be no doubt that all the primitive migrations of nations took place by land, especially such as were directed towards Italy, the coast of which was accessible by sea only to skilful sailors, and, on that account, was still in Homer's time wholly unknown to the Hellenes. But if the earlier settlers came over the Apennines, then, as the geologist infers the origin of mountains from their stratification, the historical inquirer may hazard the conjecture that the stocks pushed furthest towards the south were the oldest inhabitants of Italy; and it is just at its extreme south-eastern verge that we meet with the Iapygian nation.

Italians.

The middle of the peninsula was inhabited, as far back as reliable tradition reaches, by two peoples, or rather two branches of the same people, whose position in the Indo-Germanic family admits of being determined with

* The hypothesis has been put forward of an affinity between the Iapygian language and the modern Albanian, based, however, on points of linguistic comparison that are but little satisfactory in any case, and least of all where a fact of such importance is involved. Should that relationship be confirmed, and should the Albanians on the other hand (a race also Indo-Germanic, and homogeneous with the Hellenic and Italian races) be really a remnant of that Helleno-Barbaric nationality, traces of which occur throughout all Greece and especially in the northern provinces, the nation that preceded the Hellenes would be demonstrated as identical with that which preceded the Italians. Still the inference would not immediately follow that the Iapygian immigration to Italy had taken place across the Adriatic Sea.

greater precision than that of the Iapygian nation. We may with propriety call this people the Italian, since upon it rests the historical significance of the peninsula. It is divided into the two branch-stocks of the Latins and the Umbrians, including under the latter their northern offshoots, the Marsians and Samnites, and the colonies sent forth by the Samnites even in historical times. The philological analysis of the idioms of these stocks has shown that they together form a link in the Indo-Germanic chain of languages, and that the epoch in which they still formed an unity is a comparatively late one. In their system of sounds there appears the peculiar spirant *f*, in the use of which they agree with the Etruscans, but decidedly differ from all Hellenic or Hellenobarbaric races, as well as from the Sanscrit itself. The aspirates, again, which are retained by the Greeks throughout, and the harsher of them also by the Etruscans, were originally foreign to the Italians, and are represented among them by one of their elements—either by the media, or by the breathing alone *f* or *h*. The finer spirants, *s*, *w*, *j*, which the Greeks dispense with as much as possible, have been retained in the Italian languages almost unimpaired, and have been in some instances still further developed. The throwing back of the accent and the consequent destruction of terminations are common to the Italians with some Greek stocks, and with the Etruscans; but among the Italians this was done to a greater extent than among the former, and to a lesser extent than among the latter. The excessive disorder of the terminations in the Umbrian certainly had no foundation in the original spirit of the language, but was a corruption of later date, which showed itself in a similar although weaker tendency also in Rome. Accordingly, in the Italian languages, short vowels are regularly dropped in the final sound; long ones, frequently: the concluding consonants, on the other hand, have been tenaciously retained in the Latin, and still more so in the Samnite; while the Umbrian drops even these. Connected with this is the fact that the middle voice has left but slight traces in the Italian languages, and a peculiar passive formed by the addition of *r* takes its place; and further that the majority of the tenses are formed by composition with the roots *es* and *fu*, while the richer terminational system of the Greeks along with the augment enables them for the most part to dispense with auxiliary

verbs. While the Italian languages, like the Acolic dialect, gave up the dual, they retained universally the ablative which the Greeks lost, and for the most part also the locative. The rigorous logic of the Italians appears to have taken offence at the splitting of the idea of plurality into those of duality and multitude; while they have continued with much precision to express the relations of words by inflections. A feature peculiarly Italian, and unknown even to the Sanscrit, is the mode of imparting a substantive character to the verb by gerunds and supines,—a process carried out more completely here than in any other language.

Relation of the Italians to the Greeks.

These examples, selected from a great abundance of analogous phenomena, suffice to establish the individuality of the Italian stock as distinguished from the other members of the Indo-Germanic family, and at the same time show it to be linguistically the nearest relative, as it is geographically the next neighbour, of the Greek. The Greek and the Italian are brothers; the Celt, the German, and the Slavonian are their cousins. The essential unity of all the Italian, as of all the Greek dialects and stocks, must have dawned early and clearly on the consciousness of the two great nations themselves; for we find in the Roman language a very ancient word of enigmatical origin, *Graius* or *Graicus*, which is applied to every Greek, and in like manner amongst the Greeks the analogous appellation Ὀπικός, which is applied to all the Latin and Samnite stocks known to the Greeks in earlier times, but never to the Iapygians or Etruscans.

Relation of the Latins to the Umbro-Samnites.

Among the languages of the Italian stock, again, the Latin stands in marked contrast with the Umbro-Samnite dialects. It is true that of these only two, the Umbrian and the Samnite or Oscan, are in some degree known to us, and these even in a manner extremely defective and uncertain. Of the others, some, such as the Marsian and the Volscian, have reached us in fragments too scanty to enable us to form any conception of their individual peculiarities, or to classify the varieties of dialect themselves with certainty and precision, while some, like the Sabine, have, with the exception of a few traces preserved as dialectic peculiarities in provincial Latin, completely disappeared. A conjoint view, however, of the facts of language and of history leaves no doubt that all these dialects belonged to the Umbro-Samnite branch of the

great Italian stock, and that this branch, although much more closely related to Latin than to Greek, was very decidedly distinct from the Latin. In the pronoun, and frequently elsewhere, the Samnite and Umbrian used *p* where the Roman used *q*, as *pis* for *quis*; just as languages otherwise closely related are found to differ; for instance, *p* is peculiar to the Celtic in Brittany and Wales, *k* to the Gaelic and Erse. Among the vowel sounds the diphthongs in Latin, and the northern dialects in general, appear very much destroyed; on the other hand, in the southern Italian dialects they have suffered little; and connected with this is the fact that in composition the Roman weakens the radical vowel, otherwise so strictly preserved,—a modification which does not take place in the kindred group of languages. The genitive of words in *a* is in this group as among the Greeks *as*, among the Romans, in the language when fully formed *æ*; that of words in *us* is in the Samnite *eis*, in the Umbrian *es*, among the Romans *ei*; the locative disappeared more and more from the language of the latter, while it continued in full use in the other Italian dialects; the dative plural in *bus* is retained only in Latin. The Umbro-Samnite infinitive in *um* is foreign to the Romans; while the Osco-Umbrian future formed from the root *es*, after the Greek fashion (*her-est*, like λέγ-σω), has almost, perhaps altogether, disappeared in Latin, and its place is supplied by the optative of the simple verb, or by analogous formations from *fuo* (*ama-bo*). In many of these instances, however—in the forms of the cases, for example—the differences only exist in the two languages when fully formed, while in their infancy they coincide. It thus appears that, while the Italian language holds an independent position by the side of the Greek, the Latin dialect within it bears a relation to the Umbro-Samnite somewhat similar to that between the Ionic and the Doric; and the differences of the Oscan and Umbrian, and kindred dialects, may be compared with the differences between the Dorism of Sicily and the Dorism of Sparta.

Each of these linguistic phenomena is the result and the attestation of an historical event. With perfect certainty they guide us to the conclusion that from the common cradle of peoples and languages there issued a stock which embraced in common the ancestors of the Greeks and the Italians; that from this, at a subsequent period, the Italians

branched off, and these again divided into the western and eastern stocks, while at a still later date the eastern became subdivided into Umbrians and Oscans.

When and where these separations took place language of course cannot tell, and scarce dare adventurous thought attempt to grope its conjectural way along the course of revolutions, the earliest of which undoubtedly took place long before that migration which brought the ancestors of the Italians across the Apennines. On the other hand, the comparison of languages, when conducted with accuracy and caution, may give us an approximate idea of the degree of culture which the people had reached when these separations took place, and so furnish us with the beginnings of history, which is nothing but the development of civilization. For language, especially in the period of its formation, is the true image and organ of the degree of civilization attained; its archives preserve evidence of the great revolutions in arts and in manners, and from its rolls the future will not fail to draw information as to those times regarding which the voice of direct tradition is dumb.

Indo-Germanic culture.

During the period when the Indo-Germanic nations that are now separated still formed one stock speaking the same language, they had attained a certain stage of culture, and they had a vocabulary corresponding to it. This vocabulary the several nations carried along with them, in its conventionally established use, as a common dowry, and a foundation for further structures of their own. In it we find not merely the simplest terms denoting existence, actions, perceptions, such as *sum*, *do*, *pater*, the original echo of the impression which the external world made on the mind of man, but also a number of words indicative of culture (not only as respects their roots, but in a form stamped upon them by custom) which are the common property of the Indo-Germanic family, and which cannot be explained either on the principle of an uniform development in the several languages, or on the supposition of their having subsequently borrowed one from another. In this way we possess evidence of the development of pastoral life at that remote epoch in the unalterably fixed names of domestic animals; the Sanscrit *gâus* is the Latin *bos*, the Greek βοῦς; *avis* is the Latin *ovis*, Greek ὄις; Sanscrit *açvâs*, Latin *equus*, Greek ἵππος; Sanscrit *hansas*, Latin *anser*, Greek χήν; Sanscrit *âtis*, Latin *anas*, Greek νῆσσα; in like manner *pecus*, *sus*,

porcus, *taurus*, *canis*, are Sanscrit words. Even in that remote period accordingly the stock, on which from the days of Homer down to our own time the intellectual development of mankind has been dependent, had already advanced beyond the lowest stage of civilization, the hunting and fishing epoch, and had attained at least comparative fixity of abode. On the other hand, we have as yet no certain proofs of the existence of agriculture at that period. Language rather favours the negative view. Of the Latin-Greek names of grain none occurs in Sanscrit with the single exception of ζειά, which philologically represents the Sanscrit *yavas*, but denotes in Indian barley, in Greek spelt. It must indeed be granted that this diversity in the names of cultivated plants, which so strongly contrasts with the essential agreement in the appellations of domestic animals, does not absolutely preclude the supposition of a common original agriculture. In the circumstances of primitive times transport and acclimatizing are more difficult in the case of plants than of animals; and the cultivation of rice among the Indians, that of wheat and spelt among the Greeks and Romans, and that of rye and oats among the Germans and Celts, may all be referable to a common system of primitive tillage. On the other hand, the name of one cereal, common to the Greeks and Indians, only proves, at the most, that before the separation of the stocks they gathered and ate the grains of barley and spelt growing wild in Mesopotamia,* not that they already cultivated grain. While, however, we reach no decisive result in this way, a further light is thrown on the subject by our observing that a number of the most important words bearing on this province of culture are to be found indeed in Sanscrit, but as a rule in a more general signification. *Agras* with the Indians means a level surface in general; *kûrnu*, anything pounded; *aritram*, oar and ship; *venas*, that which is pleasant in general, particularly a pleasant drink. The words are thus very ancient; but their more definite reference to the field (*ager*), to the grain to be ground (*granum*), to the implement which

* Barley, wheat, and spelt were found growing together in a wild state on the right bank of the Euphrates, north-west from Anah (Alph. de Candolle, *Géographie Botanique Raisonnée*, ii. p. 934). The growth of barley and wheat in a wild state in Mesopotamia had already been mentioned by the Babylonian historian Berosus (*ap.* Georg. Syncell. p. 50. *Bonn*).

furrows the soil as the ship furrows the surface of the sea (*aratrum*), to the juice of the grape (*vinum*), had not yet taken place when the earliest division of the stocks occurred, and it is not to be wondered at that their subsequent applications came to be in some instances very different, and that, for example, the corn intended to be ground, as well as the mill for grinding it (Gothic *quairnus*, Lithuanian *girnôs**), received their names from the Sanscrit *kûrnu*. We may accordingly assume it as probable, that the primeval Indo-Germanic people were not yet acquainted with agriculture, and as certain, that if they were so, it played only a subordinate part in their economy; for had it at that time held the place which it afterwards held among the Greeks and Romans, it would have left a deeper impression upon the language.

On the other hand, the building of houses and huts by the Indo-Germans is attested by the Sanscrit *dam (as)*, Latin *domus*, Greek δόμος; Sanscrit *veças*, Latin *vicus*, Greek οἶκος; Sanscrit *dvaras*, Latin *fores*, Greek θύρα; further, the building of boats by the names of the boat,—Sanscrit *nâus*, Latin *navis*, Greek ναῦς, and of the oar,—Sanscrit *aritram*, Greek ἐρετμός, Latin *remus*, *tri-res-mus*; and the use of waggons and the breaking in of animals for draught and transport by the Sanscrit *akshas* (axle and cart), Latin *axis*, Greek ἄξων, ἄμ-αξα; Sanscrit *jugam*, Latin *jugum*, Greek ζυγόν. The words signifying clothing,—Sanscrit *vastra*, Latin *vestis*, Greek ἑσθής; and sewing,—Sanscrit *siv*, Latin *suo*; Sanscrit *nah*, Latin *neo*, Greek νήθω, are alike in all Indo-Germanic languages. This cannot, however, be equally affirmed of the higher art of weaving.† The knowledge of the use of fire in preparing food, and of salt for seasoning it, is a primeval heritage of the Indo-Germanic nations; and the same may be affirmed regarding the knowledge of the earliest

* [Scotch *quern*. Mr. Robertson.]

† If the Latin *vico*, *vimen*, belong to the same root as our *weave* (German *weben*), and kindred words, the word must still, when the Greeks and Italians separated, have had the general meaning "to plait," and it cannot have been until a later period, and probably in different regions independently of each other, that it assumed that of "weaving." Even the cultivation of flax, old as it is, does not reach back to this period, for the Indians, though well acquainted with the flax-plant, up to the present day use it only for the preparation of linseed-oil. Hemp probably became known to the Italians at a still later period than flax; at least *canabis* looks quite like a borrowed word of later date.

metals employed as implements or ornaments by man. At least the names of copper (*aes*) and silver (*argentum*), perhaps also of gold, are met with in Sanscrit, and these names can scarcely have originated before man had learned to separate and to make use of the ores; the Sanscrit *asis*, Latin *ensis*, points, in fact, to the primeval use of metallic weapons.

No less do we find extending back into those times the fundamental ideas on which the development of all Indo-Germanic states ultimately rests; the relative positions of husband and wife, the arrangement in clans, the priesthood of the father of the household, the absence of a special sacerdotal class as well as of all distinctions of caste in general, slavery as a legalized institution, days for publicly dispensing justice at the new and full moon. On the other hand, the positive organization of the body politic, the decision of the questions between regal sovereignty and the sovereignty of the community, between hereditary privilege in royal and noble houses and the unconditional legal equality of the citizens, belong altogether to a later age.

Even the elements of science and religion show traces of a community of origin. The numbers are the same up to one hundred (Sanscrit *çatam*, *ékaçatam*, Latin *centum*, Greek *ἑ-κατόν*, Gothic *hund*); and the moon receives her name in all languages from the fact that men measure time by her (*mensis*). The idea of Deity itself (Sanscrit *dêvas*, Latin *deus*, Greek *θεός*), and many of the oldest conceptions of religion and of natural symbolism, belong to the common inheritance of the nations. The conception, for example, of heaven as the father and of earth as the mother of being, the festal processions of the gods, who proceed from place to place in their own chariots along carefully levelled paths, the shadowy continuation of the soul's existence after death, are fundamental ideas of the Indian as well as of the Greek and Roman mythologies. Several of the gods of the Ganges coincide even in name with those worshipped on the Ilissus and the Tiber:—thus the Uranus of the Greeks is the Varunas; their Zeus, Jovis pater, Diespiter is the Djâus pitâ of the Vedas. An unexpected light has been thrown on many an enigmatical form in the Hellenic mythology by recent researches regarding the earlier divinities of India. The hoary mysterious forms of the Erinnyes are no Hellenic invention; they were immigrants along with the oldest settlers from the East. The divine greyhound, *Saramâ*, who

guards for the Lord of heaven the golden herd of stars and sunbeams, and for him collects the nourishing rain-clouds as the cows of heaven to the milking, and who moreover faithfully conducts the pious dead into the world of the blessed, becomes in the hands of the Greeks the son of *Saramâ*, *Saraméyas*, or Hermeias; and the enigmatical Hellenic story of the stealing of the cattle of Helios, which is beyond doubt connected with the Roman legend about Cacus, is now seen to be a last echo (with the meaning no longer understood) of that old fanciful and significant conception of nature.

Græco-Italian culture.

The task, however, of determining the degree of culture which the Indo-Germans had attained before the separation of the stocks, belongs rather to the general history of the ancient world. It is on the other hand the special task of Italian history to ascertain, so far as it is possible, what was the state of the Græco-Italian nation when the Hellenes and the Italians parted. Nor is this a superfluous labour; we reach by means of it the stage at which Italian civilization commenced, the starting-point of the national history.

Agriculture

While it is probable that the Indo-Germans led a pastoral life, and were acquainted with the cereals, if at all, only in their wild state, all indications point to the conclusion that the Græco-Italians were a grain-cultivating, perhaps even a vine-cultivating, people. The evidence of this is not simply the knowledge of agriculture itself common to both, for that does not upon the whole warrant the inference of community of origin in the peoples who may exhibit it. An historical connection between the Indo-Germanic agriculture and that of the Chinese, Aramæan, and Egyptian stocks can hardly be disputed; and yet these stocks are either alien to the Indo-Germans, or at any rate became separated from them at a time when agriculture was certainly still unknown. The truth is, that the more advanced races in ancient times were, as at the present day, constantly exchanging the implements and the plants employed in cultivation; and when the annals of China refer the origin of Chinese agriculture to the introduction of five species of grain that took place under a particular king in a particular year, the story undoubtedly depicts correctly, at least in a general way, the relations subsisting in the earliest epochs of civilization. A common knowledge of agriculture, like a common knowledge of the alphabet, of war chariots, of purple, and other imple-

ments and ornaments, far more frequently warrants the inference of an ancient intercourse between nations than of their original unity. But as regards the Greeks and Italians, whose mutual relations are comparatively well known, the hypothesis that agriculture as well as writing and coinage first came to Italy by means of the Hellenes, may be characterized as wholly inadmissible. On the other hand, the existence of a most intimate connection between the agriculture of the one country and that of the other, is attested by their possessing in common all the oldest expressions relating to it; *ager*, *ἀγρός*; *aro aratrum*, *ἀρόω ἄροτρον*; *ligo* alongside of *λαχαίνω*; *hortus*, *χόρτος*; *hordeum*, *κριθή*; *milium*, *μελίνη*; *rapa*, *ῥαφανίς*; *malva*, *μαλάχη*; *vinum*, *οἶνος*. It is likewise attested by the agreement of Greek and Italian agriculture in the form of the plough, which appears of the same shape on the old Attic and the old Roman monuments; in the choice of the most ancient kinds of grain, millet, barley, spelt; in the custom of cutting the ears with the sickle, and having them trodden out by cattle on the smooth-beaten threshing-floor; lastly, in the mode of preparing the grain; *puls*, *πόλτος*; *pinso*, *πτίσσω*; *mola*, *μύλη*; for baking was of more recent origin, and on that account dough or pap was always used in the Roman ritual instead of bread. That the culture of the vine too in Italy was anterior to the earliest Greek immigration is shown by the appellation "Wine-land" (*Οἰνωτρία*), which appears to be as old as the earliest Greek settlements. It would thus appear that the transition from pastoral life to agriculture, or, to speak more correctly, the combination of agriculture with the earlier pastoral economy, must have taken place after the Indians had departed from the common cradle of the nations, but before the Hellenes and Italians dissolved their ancient communion. Moreover, at the time when agriculture originated, the Hellenes and Italians appear to have been united, as one national whole, not merely with each other, but with other members of the great family; at least, it is a fact, that the most important of those terms of cultivation, while they are foreign to the Asiatic members of the Indo-Germanic family, are used by the Romans and Greeks in common with the Celtic as well as the Germanic, Slavonic, and Lithuanian stocks.*

* Thus *aro aratrum* reappear in the old German *aran* (to plough, dialectically, *eren*), *exida*, in Slavonian *orati*, *oradlo*, in Lithuanian *arti*, *arimnas*,

The distinction between the common inheritance of the nations and their own subsequent acquisitions, in manners and in language, is still far from having been wrought out in all the variety of its details and gradations. The investigation of languages, with this view, has scarcely begun, and history still derives in the main its representation of primitive times, not from the rich mine of language, but from what must be called for the most part the rubbish-heap of tradition. For the present, therefore, it must suffice to indicate the differences between the culture of the Indo-Germanic family in its earliest entireness, and the culture of that epoch when the Græco-Italians still lived together. The task of discriminating the results of culture which are common to the European members of this family, but foreign to its Asiatic members, from those which the several European groups, such as the Græco-Italian and the Germano-Slavonic, have wrought out for themselves, can only be accomplished, if at all, after greater progress has been made in philological and historical inquiries. But there can be no doubt that, with the Græco-Italians as with all other nations, agriculture became and in the mind of the people remained the germ and core of their national and of their private life. The house and the fixed hearth, which the husbandman rears instead of the light hut and shifting fireplace of the shepherd, are represented in the spiritual domain, and idealized in the goddess Vesta or Ἑστία, almost the only divinity not Indo-Germanic yet from the first common to both nations. One of the oldest legends of the Italian race ascribes to King Italus, or, as the Italians must have pronounced the word, Vitalus or Vitulus, the introduction of the change from a pastoral to an agricultural life, and shrewdly connects with

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in Celtic, *ar, aradar*. Thus alongside of *ligo* stands our *rake* (German *rechen*), of *hortus*, our *garden* (German *garten*), of *mola*, our *mill* (German *mühle*, Slavonic *mlyn*, Lithuanian *malunas*, Celtic *malin*).

With all these facts before us, we cannot allow that there ever was a time when the Greeks in all Hellenic districts subsisted by purely pastoral husbandry. If it was the possession of cattle, and not that of land, that in Greece, as in Italy, formed the basis and the standard of all private property, the reason of this was, not that agriculture was of later introduction, but that it was at first conducted on the system of joint possession. Of course a purely agricultural economy cannot have existed anywhere before the separation of the stocks; on the contrary, pastoral husbandry was (more or less according to locality) combined with it to an extent relatively greater than was the case in later times.

it the original Italian legislation. We have another version of the same belief in the legend of the Samnite race which makes the ox the leader of their primitive colonies, and in the oldest Latin national names which designate the people as reapers (*Siculi* perhaps also *Sicani*), or as field-labourers (*Opsci*). It is part of the inconsistent character which attaches to the so-called legend of the origin of Rome, that it represents a pastoral and hunting people as founding a city. Legend and faith, laws and manners, among the Italians as among the Hellenes, are associated throughout with agriculture.*

Cultivation of the soil cannot be conceived without some measurement of it, however rude. Accordingly, the measures of surface and the mode of setting off boundaries rest, like agriculture itself, on a like basis among both peoples. The Oscan and Umbrian *versus* of one hundred square feet corresponds exactly with the Greek *plethron*. The principle of marking off boundaries was also the same. The land-measurer rectified his position with reference to one of the cardinal points, and proceeded to draw in the first place two lines, one from north to south, and another from east to west, his station being at their point of intersection (*templum*, τέμενος from τέμνω); then he drew at certain fixed distances lines parallel to these, and by this process produced a series of rectangular pieces of ground, the corners of which were marked by boundary posts (*termini*, in Sicilian inscriptions τέρμονες, usually ὅροι). This mode of defining boundaries, which is indeed also Etruscan but is hardly of Etruscan origin, we find among the Romans, Umbrians, Samnites, and also in very ancient records of the Tarentine Heracleots, who are as little likely to have borrowed it from the Italians as the Italians from the Tarentines: it is an ancient possession common to all. A peculiar characteristic of the Romans, on the other hand, was their rigid carrying out of

* Nothing is more significant in this respect than the close connection in which the earliest epoch of culture placed agriculture with marriage and the founding of cities. Thus the gods in Italy immediately concerned with marriage are Ceres and (or?) Tellus (Plutarch, *Romul.* 22; Servius on *Æn.* iv., 166; Rossbach, *Röm. Ehe.*, 257, 301), in Greece Demeter (Plutarch, *Conjug. Præc. init.*); in old Greek formulas the begetting of children is called "harvest" (p. 25, *note*); indeed, the oldest Roman form of marriage, the confarreatio, derives its name and its ceremony from the cultivation of corn. The use of the plough in the founding of cities is well known.

the principle of the square; even where the sea or a river formed a natural boundary, they did not accept it, but wound up their allocation of the land with the last complete square.

It is not solely in agriculture, however, that the especially close relationship of the Greeks and Italians appears; it is unmistakeably manifest also in the other provinces of man's earliest activity. The Greek house, as described by Homer, differs little from the model which was always adhered to in Italy. The essential portion, which originally formed the whole interior accommodation of the Latin house, was the *atrium*, that is, the "blackened" chamber, with the household altar, the marriage bed, the table for meals, and the hearth; and precisely similar is the Homeric *megaron*, with its household altar and hearth and smoke-begrimed roof. We cannot say the same of ship-building. The boat with oars was an old common possession of the Indo-Germans; but the advance to the use of sailing vessels can scarcely be considered to have taken place during the Græco-Italian period, for we find no nautical terms originally common to the Greeks and Italians, except such as are also general among the Indo-Germanic family. On the other hand, the primitive Italian custom of the husbandmen having common midday meals, the origin of which the myth connects with the introduction of agriculture, is compared by Aristotle with the Cretan Syssitia; and the ancient Romans further agreed with the Cretans and Laconians in taking their meals not, as was afterwards the custom among both peoples, in a reclining, but in a sitting posture. The method of kindling fire by the friction of two pieces of wood of different kinds is common to all peoples; but it is certainly no mere accident that the Greeks and Italians agree in the appellations they give to the two portions of the touch-wood, the "rubber" (*τρύπανον*, *terebra*), and the "under-layer" (*στόρευς*, *ἐσχάρα*, *tabula*, probably from *tendere*, *τέταμαι*). In like manner the dress of the two peoples is essentially identical, for the *tunica* quite corresponds with the *chiton*, and the *toga* is nothing but a fuller *himation*. Even as regards weapons of war, liable as they are to frequent change, the two peoples have this much at least in common, that their two principal weapons of attack were the javelin and the bow,—a fact which is clearly expressed, as far as Rome is concerned, in the earliest names for warriors (*quirites*, *sam-*

Their economy in other features.

nites, pilumni—arquites),* and is in keeping with the oldest mode of fighting which was not really adapted for a close struggle. Thus, in the language and manners of Greeks and Italians, all that relates to the material foundations of human life may be traced back to the same primary elements; the oldest problems which the world proposes to man had been jointly solved by the two peoples at a time when they still formed one nation.

Difference of the Italian and the Greek character.

It is otherwise in the spiritual domain. The great problem of man, how to live in conscious harmony with himself, with his neighbour, and with the whole to which he belongs, admits of as many solutions as there are provinces in our Father's kingdom; and it is in this, and not in the material sphere, that individuals and nations display their divergences of character. The exciting causes which gave rise to this intrinsic contrast must have been in the Græco-Italian period as yet wanting; it was not until the Hellenes and Italians separated that that deep-seated diversity of mental character became manifest, the effects of which continue to the present day. The family and the state, religion and art, received in Italy and in Greece respectively a development so peculiar and so thoroughly national, that the common basis, on which in these respects also the two peoples rested, has been so overgrown as to be almost concealed from our view. That Hellenic character, which sacrificed the whole to its individual elements, the nation to the single state, and the single state to the citizen; whose ideal of life was the beautiful and the good, and, only too often, the pleasure of idleness; whose political development consisted in intensifying the original individualism of the several cantons, and subsequently led to the internal dissolution of the authority of the state; whose view of religion first invested its gods with human attributes, and then denied their existence; which gave full play to the limbs in the sports of the naked youth, and gave free scope to thought in all its grandeur and in all its awefulness;—and that Roman character, which solemnly bound the son to reverence the father, the citizen to reverence the ruler, and all to reverence the gods; which required nothing, and honoured

* Among the oldest names of weapons on both sides scarcely any can be shown to be certainly related; *lancea*, although doubtless connected with λόγχη, is, as a Roman word, recent, and perhaps borrowed from the Germans or Spaniards, and the Greek σαυνίον is in a similar position.

nothing, but the useful act, and compelled every citizen to fill up every moment of his brief life with unceasing work; which made it a duty even in the boy modestly to cover the body; which deemed every one a bad citizen who wished to be different from his fellows; which viewed the state as all in all, and a desire for the state's extension as the only aspiration not liable to censure,—who can in thought trace back these sharply-marked contrasts to that original unity which embraced them both, prepared the way for their development, and at length produced them? It would be foolish presumption to desire to lift this veil; we shall only endeavour to indicate in brief outline the beginnings of Italian nationality and its connections with an earlier period; to direct the guessings of the discerning reader rather than to express them.

The family and the state.

All that may be called the patriarchal element in the state rests in Greece and Italy on the same foundations. Under this head comes especially that moral and honourable constitution of the relations of the sexes,* which enjoined monogamy on the husband, and visited with heavy penalties the infidelity of the wife, and which recognized the equality of the two sexes and the sanctity of marriage in the high position which it assigned to the mother within the domestic circle. On the other hand, the rigorous development of the marital, and still more of the paternal authority, regardless of the natural rights of persons as such, was a feature foreign to the Greeks, and peculiarly Italian; it was in Italy alone that moral subjection became transformed into legal slavery. In the same way the principle of the slave being completely destitute of legal rights —a principle involved in the very nature of slavery—was maintained by the Romans with merciless rigour, and carried out to all its consequences; whereas, among the Greeks, alleviations of its harshness were early introduced, both in practice and in legislation, the marriage of slaves, for example, being recognized as a legal relation.

On the household was based the clan, that is, the community of the descendants of the same progenitor; and out of the clan, among the Greeks as well as the Italians, arose the state. But while under the weaker political develop-

* Even in details this agreement appears; *e. g.*, in the designation of lawful wedlock as marriage concluded for the getting of lawful children (γάμος ἐπὶ παίδων γνησίων ἀρότῳ—*matrimonium liberorum quærendorum causa*).

ment of Greece the clan maintained itself as a corporate power, in contradistinction to that of the state, far even into historical times, the state in Italy made its appearance at once in complete efficiency, inasmuch as, in presence of its authority, the clans were neutralized, and it exhibited a community, not of clans, but of citizens. Conversely, again, the individual attained, relatively to the clan, an inward independence and freedom of personal development far earlier and more completely in Greece than in Rome—a fact reflected with great clearness in the Greek and Roman proper names, which, originally similar, came to assume very different forms. In the more ancient Greek names, the name of the clan was very frequently added in an adjective form to that of the individual; while, conversely, Roman scholars were aware that their ancestors bore originally only one name, the later *prænomen*. But while in Greece the adjective name of the clan early disappeared, it became, among the Italians generally and not merely among the Romans, the principal name; and the distinctive individual name, the *prænomen*, became subordinate. It seems as if the small and ever diminishing number and the meaningless character of the Italian, and particularly of the Roman, individual names, compared with the luxuriant and poetical fulness of those of the Greeks, were intended to illustrate the truth that it was characteristic of the one nation to reduce all features of distinctive personality to an uniform level, of the other freely to promote their development.

The association in communities of families under patriarchal chiefs, which we may conceive to have prevailed in the Græco-Italian period, may appear different enough from the later forms of Italian and Hellenic polities; yet it must have already contained the germs out of which the future laws of both nations were moulded. The "laws of King Italus," which were still applied in the time of Aristotle, may denote such institutions essentially common to both. These laws must have provided for the maintenance of peace and the execution of justice within the community, for military organization and martial law in reference to its external relations, for its government by a patriarchal chief, for a council of elders, for assemblies of the freemen capable of bearing arms, and for some sort of constitution. Judicial procedure (*crimen*, κρίνειν), expiation (*pœna*, ποινή), retalia-

tion (*talio*, ταλάω τλῆναι), are Græco-Italian ideas. The stern law of debt, by which the debtor was directly responsible with his person for the repayment of what he had received, is common to the Italians, for example, with the Tarentine Heracleots. The fundamental ideas of the Roman constitution—a king, a senate, and an assembly entitled simply to ratify or to reject the proposals which the king and senate should submit to it—are scarcely anywhere expressed so distinctly as in Aristotle's account of the earlier constitution of Crete. The germs of larger state-confederacies in the political fraternizing or even amalgamation of several previously independent stocks (symmachy, synoikismos) are in like manner common to both nations. The more stress is to be laid on this fact of the common foundations of Hellenic and Italian polity, that it is not found to extend to the other Indo-Germanic stocks; the organization of the Germanic communities, for example, by no means starts, like that of the Greeks and Romans, from elective monarchy. But how different the polities were that were constructed on this common basis in Italy and Greece, and how completely the whole course of their political development belongs to each as its distinctive property,* it will be the business of the sequel to show.

It is the same in religion. In Italy, as in Hellas, there lies indeed at the foundation of the popular faith the same common treasure of symbolic and allegorical views of nature: on this rests that general analogy between the Roman and the Greek world of gods and of spirits, which was to become of so much importance in later stages of development. In many of their particular conceptions also,—in the already mentioned forms of Zeus-Diovis and Hestia-Vesta, in the idea of the holy space (*τέμενος*, *templum*), in many offerings and ceremonies—the two modes of worship do not by mere accident coincide. Yet in Hellas, as in Italy, they assumed a shape so thoroughly national and peculiar, that but little of the ancient common inheritance was preserved in a recognizable form, and that little was for the most part misunderstood, Religion.

* Only we must of course not forget that like pre-existing conditions lead everywhere to like institutions. For instance, nothing is more certain than that the Roman plebeians were a growth originating within the Roman commonwealth, and yet they everywhere find their counterpart where a body of *metœci* has arisen alongside of a body of burgesses. As a matter of course, chance also plays in such cases its provoking game.

or not understood at all. It could not be otherwise; for, as in the character of the two nations the great contrasts, which during the Græco-Italian period had lain side by side undeveloped, were after their division distinctly evolved, so also in their religion a separation took place between the idea and the image, which had hitherto been one whole in the soul. Those old tillers of the ground, when the clouds were driving along the sky, probably expressed to themselves the phenomenon by saying that the hound of the gods was driving together the startled cows of the herd. The Greek forgot that the cows were really the clouds, and converted the son of the hound of the gods—a form devised merely for the particular purposes of that conception—into the adroit messenger of the gods, ready for every service. When the thunder rolled among the mountains, he saw Zeus brandishing his bolts on Olympus; when the blue sky again smiled upon him, he gazed into the bright eye of Athenæa, the daughter of Zeus; but so powerful over him was the influence of the forms which he had thus created, that he soon saw nothing in them but human beings, invested and illumined with the splendour of nature's power, and freely formed and transformed them according to the laws of beauty. It was in another fashion, but not less strongly, that the deeply implanted religious feeling of the Italian race manifested itself; it held firmly by the idea, and did not suffer the form to obscure it. As the Greek, when he sacrificed, raised his eyes to heaven, so the Roman veiled his head; for the prayer of the former was vision, that of the latter reflection. Throughout the whole of nature he adored the spiritual and the universal. To everything existing, to man and to the tree, to the state and to the storeroom, a spirit was assigned, which came into being with it, and perished along with it, the counterpart in the spiritual domain of the physical phenomenon; to the man the male Genius, to the woman the female Juno, to the boundary Terminus, to the forest Silvanus, to the circling year Vertumnus, and so on to every object after its kind. In occupations even the steps of the process were spiritualized: thus, for example, in the prayers for the husbandman there was invoked the spirit of fallowing, of ploughing, of furrowing, sowing, covering-in, harrowing, and so on to those of in-bringing, up-storing, and opening of the granaries. In like manner, marriage, birth, and every other physical event,

were endowed with a sacred life. The larger the sphere embraced in the abstraction, the higher rose the god, and the reverence paid by man. Thus Jupiter and Juno are the abstractions of manhood and womanhood; Dea Dia, or Ceres, the creative power; Minerva, the power of memory; Dea Bona, or among the Samnites Dea Cupra, the good Divinity. While to the Greek everything assumed a concrete and corporeal shape, the Roman could only make use of abstract, completely transparent formulæ; and while the Greek for the most part threw aside the old legendary treasures of primitive times, because they embodied the idea in too transparent a form, the Roman could still less abide by them, because holy thoughts seemed to him dimmed even by the lightest veil of allegory. Not a trace has been preserved among the Romans even of the oldest and most generally diffused myths, such as that current among the Indians, the Greeks, and even the Semites, regarding a great flood and its survivor, the common ancestor of the present human race. Their gods could not marry and beget children, like those of the Hellenes; they did not wander unseen among mortals; and they needed no nectar. But that they, nevertheless, in their spirituality —which only appears to be tame to dull apprehension— had a powerful hold on men's minds, a hold more powerful perhaps than the gods of Hellas created after the image of man, would be attested, even if history were silent on the subject, by the Roman designation of faith (the word and the idea alike foreign to the Hellenes), *Religio*, that is to say, "binding." As India and Iran developed from one and the same inherited store, the former, the richly varied forms of its sacred epics, the latter, the abstractions of the Zend-Avesta; so in the Greek mythology the person is predominant, in the Roman the idea; in the former freedom, in the latter necessity.

Lastly, what holds good of real life is true also of its counterfeit in jest and play, which everywhere, and especially in the earliest period of full and simple existence, do not exclude the serious, but veil it. The simplest elements of art are in Latium and Hellas quite the same; the decorous armed-dance, the "leap" (*triumpus*, *θρίαμβος*, *διθύραμβος*); the masquerade of the "full people" (*σάτυροι*; *satura*), who, enveloped in sheep and goat skins, wound up the festival with their jokes; lastly, the pipe, which with suitable strains

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accompanied and regulated the solemn as well as the merry dance. Nowhere, perhaps, does the eminently close relationship of the Hellenes and Italians come to light so clearly as here; and yet in no other direction did the two nations manifest greater divergence as they became developed. The training of youth remained in Latium strictly confined to the narrow limits of a domestic education; in Greece, the yearning after a varied yet harmonious training of mind and body created the sciences of Gymnastics and Paideia, which were fostered by the nation and by individuals as their highest good. Latium, in the poverty of its artistic development, stands almost on a level with uncivilized peoples. Hellas developed with incredible rapidity, out of its religious conceptions, the myth and the worshipped idol, and out of these that marvellous world of poetry and sculpture, the like of which history has not again to show. In Latium no other influences were powerful in public and private life but prudence, riches, and strength; it was reserved for the Hellenes to feel the blissful ascendancy of beauty, to minister to the fair boy-friend with an enthusiasm half sensuous, half ideal, and to reanimate their lost courage with the war-songs of the divine singer.

Thus the two nations, in which the civilization of antiquity culminated, stand side by side as different in development as they were in origin identical. The points in which the Hellenes excel, the Italians are more universally intelligible, and reflect a more brilliant lustre; but the deep feeling in each individual that he was only a part of the community, a rare devotedness and power of self-sacrifice for the common weal, an earnest faith in its own gods, formed the rich treasure of the Italian nation. Both nations received a one-sided, and therefore each a complete, development; it is only a pitiful narrow-mindedness that will object to the Athenian, that he did not know how to mould his state like the Fabii and the Valerii; or to the Roman, that he did not learn to carve like Phidias and to write like Aristophanes. It was in fact the most peculiar and the best feature in the character of the Greek people, which rendered it impossible for them to advance from national to political unity without at the same time exchanging their polity for despotism. The ideal world of beauty was all in all to the Greeks, and compensated them to some extent for what they wanted in reality. Wherever in Hellas a tendency towards national

union appeared, it was based, not on influences directly political, but on games and art: the contests at Olympia, the poems of Homer, the tragedies of Euripides, were the only bonds that held Hellas together. Resolutely, on the other hand, the Italian surrendered his own personal will for the sake of freedom, and learned to obey his father that he might know how to obey the state. In such subjection as this individual development might be marred, and the germs of fairest promise in man might be arrested in the bud; the Italian gained instead a feeling of fatherland and of patriotism such as the Greek never knew, and alone among all the civilized nations of antiquity, succeeded in working out national unity in connection with a constitution based on self-government—a national unity, which at last placed in his hands the supremacy, not only over the divided Hellenic stock, but over the whole known world.

CHAPTER III.

THE SETTLEMENTS OF THE LATINS.

Indo-Germanic migrations.

THE home of the Indo-Germanic stock lay in the western portion of central Asia; from this it spread partly in a south-eastern direction over India, partly in a north-western over Europe. It is difficult to determine the primitive seat of the Indo-Germans more precisely: it must, however, at any rate have been inland, and remote from the sea, as there is no name for the sea common to the Asiatic and European branches. Many indications point more particularly to the regions of the Euphrates; so that, singularly enough, the primitive seats of the two most important civilized stocks, —the Indo-Germanic and the Aramæan,—almost coincide as regards locality. This circumstance gives support to the hypothesis that these races also were originally connected, although, if such connection there was, it certainly must have been anterior to all traceable development of culture and language. We cannot define more exactly their original locality, nor are we able to accompany the individual stocks in the course of their migrations. The European branch probably lingered in Persia and Armenia for some considerable time after the departure of the Indians; for, according to all appearance, that region has been the cradle of agriculture and of the culture of the vine. Barley, spelt, and wheat are indigenous in Mesopotamia, and the vine to the south of the Caucasus and of the Caspian Sea: there too, the plum, the walnut, and others of the more easily transplanted fruit trees, are native. It is worthy of notice also, that the name for the sea is common to most of the European stocks—Latins, Celts, Germans, and Slavonians;

they must probably therefore before their separation have reached the coast of the Black Sea or of the Caspian. By what route from those regions the Italians reached the chain of the Alps, and where in particular they were settled while still united with the Hellenes and them alone, are questions that can only be answered when the problem is solved by what route, whether from Asia Minor or from the regions of the Danube, the Hellenes arrived in Greece. It may at all events be regarded as certain, that the Italians, like the Indians, immigrated into their peninsula from the north. (P. 11.)

The advance of the Umbro-Sabellian stock along the central mountain-ridge of Italy, in a direction from north to south, can still be clearly traced; indeed, its last phases belong to purely historical times. Less is known regarding the route which the Latin migration followed. Probably it proceeded in a similar direction along the west coast, long, in all likelihood, before the first Sabellian stocks began to move. The stream only overflows the heights when the lowlands are already occupied; and only through the supposition that there were Latin stocks already settled on the coast, are we able to explain why the Sabellians should have contented themselves at first with the rougher mountain districts, from which they afterwards issued and intruded, wherever it was possible, between the Latin tribes.

Extension of the Latins in Italy.

It is well known that a Latin stock inhabited the country from the left bank of the Tiber to the Volscian mountains; but these mountains themselves, which appear to have been neglected on occasion of the first immigration when the plains of Latium and Campania still lay open to the settlers, were, as the Volscian inscriptions show, occupied by a stock more nearly related to the Sabellians than to the Latins. On the other hand, Latins probably dwelt in Campania before the Greek and Samnite immigrations; for the Italian names *Novla* or *Nola* (new-town), *Campani Capua*, *Volturnus* (from *volvere*, like *Juturna* from *juvare*), *Opsci* (labourers), are demonstrably older than the Samnite invasion, and show that, at the time when Cumæ was founded by the Greeks, an Italian and probably Latin stock, the Ausones, were in possession of Campania. The primitive inhabitants also of the districts which the Lucani and Bruttii subsequently occupied, the *Itali* proper (inhabitants of the land of oxen), are associated by the best observers not with the Iapygian, but with the Italian stock; and there is nothing to hinder

our regarding them as belonging to its Latin branch, although the Hellenizing of these districts that took place even before the commencement of the political development of Italy, and their subsequent inundation by Samnite hordes, have in this instance totally obliterated all traces of the older nationality. Very ancient legends also bring the similarly extinct stock of the Siculi into connection with Rome. For instance, the earliest historian of Italy, Antiochus of Syracuse, tells us that a man named Sikelos came a fugitive from Rome to Morges king of Italia (*i. e.*, the Bruttian peninsula). Such stories appear to be founded on the identity of race recognized by the narrators as subsisting between the Siculi (of whom there were some still in Italy in the time of Thucydides) and the Latins. The striking affinity of certain dialectic peculiarities of Sicilian Greek with the Latin is probably to be explained rather by the old commercial connections subsisting between Rome and the Sicilian Greeks, than by the ancient identity of the languages of the Siculi and the Romans. According to all indications, however, not only Latium, but probably also the Campanian and Lucanian districts, Italia proper between the gulfs of Tarentum and Laos, and the eastern half of Sicily, were in primitive times inhabited by different branches of the Latin nation.

Destinies very dissimilar awaited these different branches. Those settled in Sicily, Magna Græcia, and Campania came into contact with the Greeks at a period when they were unable to offer resistance to a civilization so superior, and were either completely Hellenized, as in the case of Sicily, or at any rate so weakened that they succumbed without marked resistance to the fresh energy of the Sabine tribes. In this way the Siculi, the Itali and Morgetes, and the Ausonians, never came to play an active part in the history of the peninsula. It was otherwise with Latium. No Greek colonies were founded there, and its inhabitants, after hard struggles, were successful in maintaining their ground against the Sabines as well as against their northern neighbours. Let us cast a glance at this district which was destined more than any other to influence the fortunes of the ancient world.

Latium. The plain of Latium must have been in primeval times the scene of the grandest conflicts of nature, while the slowly formative agency of water deposited, and the eruptions of

mighty volcanoes upheaved, the successive strata of that soil on which the question was to be decided to what people the sovereignty of the world should belong. Latium is shut in on the east by the mountains of the Sabines and Æqui which form part of the Apennines, and on the south by the Volscian range, rising to the height of 4000 feet, which is separated from the main chain of the Apennines by the ancient territory of the Hernici, the table-land of the Sacco (Trerus, a tributary of the Liris), and stretching in a westerly direction terminates in the promontory of Terracina. On the west its boundary is the sea, which on this part of the coast forms but few and indifferent harbours. On the north it imperceptibly runs up into the broad highlands of Etruria. The region thus enclosed forms a magnificent plain traversed by the Tiber, the "mountain-stream" which issues from the Umbrian, and by the Anio, which rises in the Sabine mountains. Hills here and there emerge, like islands, from the plain; some of them steep limestone cliffs, such as that of Soracte in the north-east, and that of the Circeian promontory on the south-west, as well as the similar though lower height of the Janiculum near Rome; others volcanic elevations, whose extinct craters had become converted into lakes which in some cases still exist; the most important of these is the Alban range, which, free on every side, stands forth from the plain between the Volscian chain and the river Tiber.

Here settled the stock which is known to history under the name of the Latins, or, as they were subsequently called, to distinguish them from the Latin communities beyond the bounds of Latium, the "Old Latins" (*prisci Latini*). But the territory occupied by them, the district of Latium, was only a small portion of the central plain of Italy. All the country north of the Tiber was to the Latins a foreign, nay, even a hostile region, with whose inhabitants no lasting alliance, no general peace, was possible, and such armistices as were concluded appear always to have been for a limited period. The Tiber formed the northern boundary from early times, and neither in history, nor in the more reliable traditions, has any reminiscence been preserved as to the period or occasion of the establishment of a frontier line so important in its results. We find at the time when our history begins the flat and marshy tracts to the south of the Alban range in the hands of Umbro-Sabellian stocks, the

Rutuli and Volsci; even Ardea and Velitræ were not originally included in the number of Latin towns. Only the central portion of that region between the Tiber, the spurs of the Apennines, the Alban Mount, and the sea, a district of about 700 square miles, not much larger than the present canton of Zurich, was Latium proper, the "broad plain"* as it appears to the eye of the observer from the heights of Monte Cavo. Though the country is a plain, it is not monotonously flat. With the exception of the sea-beach, which is sandy and in part formed by the accumulations of the Tiber, the level is everywhere broken by hills of tufa of moderate height though often rather steep, and by deep fissures of the ground. These alternating elevations and depressions of the surface lead to the formation of lakes in winter, and the exhalations proceeding in the heat of summer from the putrescent organic substances which these contain, engender that noxious fever-laden atmosphere which in ancient times tainted the district as it taints it at the present day. It is a mistake to suppose that these miasmata were first occasioned by that neglect of cultivation, which was the result of misgovernment in the last century of the Republic and is so still. Their cause lies rather in the want of natural outlets for the water, and it operates now as it operated thousands of years ago. It is true, however, that the malaria may be banished to a certain extent by thoroughness of tillage—a fact which has not yet received its full explanation, but may be partly accounted for by the circumstance that the working of the surface accelerates the drying up of the stagnant waters. It must always remain a remarkable fact that a dense agricultural population should have arisen in regions where no healthy population can at present subsist, and where the traveller is unwilling to tarry even for a single night, such as the plain of Latium and the lowlands of Sybaris and Metapontum. It must be borne in mind that man, in a lower stage of civilization, has generally a quicker perception of what nature demands, and a greater readiness in conforming to her requirements; it may be, also, a more elastic physical constitution, which accommodates itself more readily to the conditions of the soil where he dwells. In Sardinia, agriculture is prosecuted under physical conditions precisely

* *Lătium*, probably from the same root as πλατύς, *lătus* (side); *lātus* (broad) is also a kindred word.

similar even at the present day; the pestilential atmosphere exists, but the peasant avoids its injurious effects by caution in reference to clothing, food, and the choice of his hours of labour. In fact, nothing is so certain a protection against the "aria cattiva" as wearing the fleece of animals and keeping a blazing fire; which explains why the Roman countryman constantly went clothed in heavy woollen stuffs, and never allowed the fire on his hearth to be extinguished. In other respects such a district must have appeared inviting to an immigrant agricultural people: the soil is easily laboured with mattock and hoe, and is productive even without being manured, although, tried by an Italian standard, it does not yield any extraordinary return: wheat yields on an average about five-fold.* Good water is not abundant: the higher and more sacred on that account was the esteem in which every fresh spring was held by the inhabitants.

Latin settlements.

No accounts have been preserved of the mode in which the settlements of the Latins took place in the district which has since borne their name; and we are almost wholly left to gather what we can from *à posteriori* inference regarding them. Some knowledge may, however, in this way be gained, or at any rate some conjectures that wear an aspect of probability.

Clan-villages.

The Roman territory was divided in the earliest times into a number of clan-districts, which were subsequently employed in the formation of the earliest "rural wards" (*tribus rusticæ*). Tradition informs us as to the *tribus Claudia*,

* A French statist, Dureau de la Malle (*Econ. Pol. des Romains*, ii. 226), compares with the Roman Campagna the district of Limagne in Auvergne, which is likewise a wide, much intersected, and uneven plain, with a superficial soil of decomposed lava and ashes the remains of extinct volcanoes. The population, at least 2500 to the square league, is one of the densest to be found in purely agricultural districts: property is subdivided to an extraordinary extent. Tillage is carried on almost entirely by manual labour, with spade, hoe, or mattock; only in exceptional cases a light plough is substituted, drawn by two cows, the wife of the peasant not unfrequently taking the place of the cows in the yoke. The team serves at once to furnish milk and to till the land. They have two harvests in the year, corn and vegetables; there is no fallow. The average yearly rent for an arpent of arable land is 100 francs. If, instead of such an arrangement, this same land were to be divided among six or seven large landholders, and a system of management by stewards and day-labourers were to supersede the husbandry of the small proprietors, in a hundred years the Limagne would doubtless be as waste, forsaken, and miserable as the Campagna of Rome is at the present day.

that it originated from the settlement of the Claudian clansmen on the Anio; and that the other districts of the earliest division originated in a similar manner is indicated quite as certainly by their names. These names are not, like those of the districts added at a later period, derived from the localities, but are formed without exception from the names of clans; and the clans who thus gave their names to the wards of the original Roman territory are, so far as they have not become entirely extinct (as is the case with the *Camilii*, *Galerii*, *Lemonii*, *Pollii*, *Pupinii*, *Voltinii*), the very oldest patrician families of Rome, the *Æmilii*, *Cornelii*, *Fabii*, *Horatii*, *Menenii*, *Papirii*, *Romilii*, *Sergii*, *Veturii*. It is worthy of remark that not one of these clans can be shown to have taken up its settlement in Rome only at a later epoch. Every Italian, and doubtless also every Hellenic, canton must, like that of Rome, have been divided into a number of societies, connected at once by locality and by clanship; such a clan-settlement is the "house" (οἰκία) of the Greeks, from which very frequently the κώμαι and δῆμοι originated among them, like the *tribus* in Rome. The corresponding Italian terms "house" (*vicus*) or "buildings" (*pagus*, from *pangere*) indicate, in like manner, the joint settlement of the members of a clan, and thence come, by an easily understood transition, to signify in common use hamlet or village. As each household had its own portion of land, so the clan-household or village had clan-lands belonging to it, which, as will afterwards be shown, were managed up to a comparatively late period after the analogy of household-lands, that is, on the system of joint possession. Whether it was in Latium itself that the clan-households became developed into clan-villages, or whether the Latins were already associated in clans when they immigrated into Latium, are questions which we are just as little able to answer as we are to determine how far, in addition to the original ground of common ancestry, the clan may have been based on the incorporation or co-ordination from without of individuals not related to it by blood.

Cantons. These clanships, however, were from the beginning regarded, not as independent societies, but as the integral parts of a political community (*civitas*, *populus*). This first presents itself as an aggregate of a number of clan-villages of the same stock, language, and manners, bound to mutual compliance with law and mutual legal redress and to make common cause in aggression and in defence. A fixed local

centre was quite as necessary in the case of such a canton as in that of a clanship; but as the members of the clan, in other words, the inhabitants of the canton, dwelt in villages, the centre of the canton cannot have been a town or place of associate settlement in the strict sense. It must, on the contrary, have been simply a place of common assembly, containing the seat of justice and the common sanctuary of the canton, where the members of the canton met every eighth day for purposes of intercourse and amusement, and where, in case of war, they obtained a safer shelter for themselves and their cattle than in their villages: in ordinary circumstances this place of meeting was not at all, or but scantily inhabited. Ancient places of refuge, of a kind quite similar, may still be recognized at the present day on the tops of several of the hills in the east of Switzerland. Such a place was called in Italy "height" (*capitolium*, like ἄκρα, the mountain-top), or "stronghold" (*arx*, from *arcere*); it was not a town at first, but the nucleus of a future town, as houses naturally gathered round the stronghold, and then became surrounded with the "work" (*oppidum*), or "ring" (*urbs*, connected with *urvus*, *curvus*, *orbis*). The stronghold and town were visibly distinguished from each other by the number of gates, of which the stronghold had as few as possible, and the town many, the former ordinarily but one, the latter at least three. Such fortresses were the bases of that cantonal constitution which prevailed in Italy anterior to the existence of towns: a constitution the nature of which may still be recognized with some degree of clearness in those provinces of Italy which did not, until a late period, reach, and in some cases have not yet fully reached, the stage of aggregation in towns, such as the land of the Marsi and the small cantons of the Abruzzi. The country of the Æquicoli, who even in the imperial period dwelt, not in towns, but in numerous open hamlets, presents a number of ancient ring-walls, which, regarded as "deserted towns" with their solitary temples, have excited the astonishment of the Roman as well as of modern archæologists, who have fancied that they could find accommodation there, the former for their "primitive inhabitants" (*aborigines*), the latter for their Pelasgians. We shall certainly be nearer the truth in recognizing these structures, not as walled towns, but as places of refuge for the inhabitants of the district, such as were doubtless found in the more

ancient times over all Italy, although constructed in less artistic style. It was natural that at the period when the stocks that had made the transition to urban life were surrounding their towns with stone walls, those districts whose inhabitants continued to dwell in open hamlets should replace the earthen ramparts and palisades of their strongholds with buildings of stone. When in later ages peace was securely established throughout the land, and such fortresses were no longer needed, these places of refuge were abandoned and soon became a riddle to after generations.

Sites of the oldest cantons.

These cantons, then, having their rendezvous in some stronghold, and including a certain number of clanships, form the primitive political unities with which Italian history begins. At what period, and to what extent, such cantons were formed in Latium, cannot be determined with precision, nor is it a matter of special historical interest. The isolated Alban range, that natural stronghold of Latium, which offered to settlers the most wholesome air, the freshest springs, and the most secure position, would doubtless be first occupied by the new comers. Here, accordingly, along the small elevated plain above Palazzuola, between the Alban lake (*Lago di Castello*) and the Alban Mount (*Monte Cavo*), extended the town of Alba, which was universally regarded as the primitive seat of the Latin stock, and the mother-city of Rome, as well as of all the other Old Latin communities. Here, too, on the slopes lay the very ancient Latin canton-centres of Lanuvium, Aricia, and Tusculum. Here also are found some of those primitive works of masonry, which usually mark the beginnings of civilization, and seem to stand as a witness to posterity that in reality Pallas Athene, when she does appear, comes into the world full grown. Such is the escarpment of the wall of rock below Alba, in the direction of Palazzuola, whereby the place, which is rendered naturally inaccessible by the steep declivities of Monte Cavo on the south, is rendered equally unapproachable on the north, and only two narrow approaches on the east and west, which are capable of being easily defended, are left open for traffic. Such, above all, is the large subterranean tunnel, cut—of such a size that a man can stand upright within it—through the hard wall of lava, 6000 feet thick, by which the waters of the lake formed in the old crater of the Alban Mount were reduced

to their present level, and a considerable space was gained for tillage on the mountain itself.

The summits also of the last offshoots of the Sabine range are natural fastnesses of the Latin plain; and the canton-strongholds there gave rise at a later period to the considerable towns of Tibur and Præneste. Labici too, Gabii, and Nomentum, in the plain between the Alban and Sabine hills and the Tiber, Rome on the Tiber, Laurentum and Lavinium on the coast, were all more or less ancient centres of Latin colonization, not to speak of many others less famous and in some cases almost forgotten.

The Latin league.

All these cantons were in primitive times politically sovereign, and each of them was governed by its prince with the co-operation of the council of elders and the assembly of warriors. The feeling, however, of fellowship based on their community of descent and of language not only pervaded the whole of them, but manifested itself in an important religious and political institution—the perpetual league of the collective Latin cantons. The presidency belonged originally, according to the universal Italian as well as Hellenic usage, to that canton within whose bounds lay the meeting-place of the league; in this case it was the canton of Alba, which, as we have said, was generally regarded as the oldest and most eminent of the Latin cantons. The communities entitled to participate in the league were in the beginning thirty—a number which we find occurring with singular frequency as the sum of the constituent parts of a commonwealth in Greece and Italy. What cantons originally made up the number of the thirty Old Latin communities, or, as with reference to the metropolitan rights of Alba they are also called, the thirty Alban colonies, tradition has not recorded, and we can no longer ascertain. The rendezvous of this union was, like the Pambœotia and the Panionia among the similar confederacies of the Greeks, the "Latin festival" (*feriæ Latinæ*), at which, on the "Mount of Alba" (*Mons Albanus, Monte Cavo*), upon a day annually appointed by the chief magistrate for the purpose, an ox was offered in sacrifice by the assembled Latin stock to the "Latin god" (*Jupiter Latiaris*). Each community taking part in the ceremony had to contribute to the sacrificial feast its fixed proportion of cattle, milk, and cheese, and to receive in return a portion of the roasted victim. These usages continued up to a late period, and are well known:

respecting the more important civil effects of this association, we can do little else than institute conjectures.

From the most ancient times there were held, in connection with the religious festival on the Mount of Alba, assemblies of the representatives of the several communities at the neighbouring Latin seat of justice at the source of the Ferentina (near Marino). Indeed, such a confederacy cannot be conceived to exist without having a certain power of superintendence over the associated body, and without possessing a system of law binding on all. Tradition records, and we can well believe, that the league exercised jurisdiction in reference to violations of federal law, and that it could in such cases pronounce even sentence of death. The equality in respect of legal rights and of intermarriage that subsisted among the Latin communities at a later date, may perhaps be regarded as an integral part of the primitive law of the league, so that in that case any Latin man could beget lawful children with any Latin woman, and acquire landed property and carry on trade in any part of Latium. The league probably also provided a federal tribunal of arbitration in the mutual disputes of the cantons; on the other hand, there is no proof that the league imposed any limitation on the sovereign right of each community to make peace or war. In like manner there can be no doubt that the constitution of the league implied the possibility of its carrying on a defensive or even an aggressive war; in which case, of course, it would be necessary to have a commander-in-chief (*dux*). But we have no reason to suppose that in such an event each community was compelled by law to furnish a contingent for the army, or that, conversely, any one was interdicted from undertaking a war on its own account, even against a member of the league. There are, however, indications that during the Latin festival, just as was the case during the festivals of the Hellenic leagues, "a truce of God" was observed throughout all Latium;* and probably on that occasion even tribes at feud granted safe-conducts to each other.

It is still less in our power to define the privileges of the presiding canton; only we may safely affirm that there is no reason for recognizing in the Alban presidency a real

* The Latin festival is expressly called "armistice" (*inducia*, Macrob. *Sat.* i. 16; ἐκεχειρία, Dionys. iv. 49); and a war was not allowed to be begun during its continuance (Macrob. *l. c.*).

political hegemony over Latium, and that possibly, nay probably, it had no more significance in Latium than the honorary presidency of Elis had in Greece.* On the whole it is probable that the extent of this Latin league, and the amount of its jurisdiction, were somewhat unsettled and fluctuating; yet it was and remained not an accidental aggregate of various communities more or less alien to each other, but the just and necessary expression of the relationship of the Latin stock. The Latin league may not have at all times included all Latin communities, but it never at any rate granted the privilege of membership to any that were not Latin. Its counterpart in Greece was not the Delphic amphictyony, but the Bœotian or Ætolian confederacy.

These very general outlines must suffice: any attempt to draw the lines more sharply would only falsify the picture. The manifold play of mutual attraction and repulsion among those earliest political atoms, the cantons, passed away in Latium without witnesses competent to tell the tale. We must now be content to hold by the one great abiding fact, that they possessed a common centre, to which they did not sacrifice their individual independence, but by means of which they cherished and increased the feeling of their belonging collectively to the same nation. By such a common possession the way was prepared for their advance from that cantonal individuality, with which the history of every people must and does begin, to the national union with which the history of every people ends or at any rate ought to end.

* The assertion often made, in ancient and modern times, that Alba once ruled over Latium under the forms of a symmachy nowhere finds on closer investigation sufficient support. All history begins not with the union, but with the disunion of a nation; and it is very improbable that the problem of the union of Latium, which Rome finally solved after the struggles of many a century, should have been already solved at an earlier period by Alba. It deserves to be remarked too, that Rome never asserted in the capacity of heiress of Alba any claims of sovereignty proper over the Latin communities, but contented herself with an honorary presidency; which no doubt, when it became combined with material power, afforded a handle for her pretensions of hegemony. Testimonies, strictly so called, can scarcely be adduced on such a question; and least of all do such passages as Festus *v. prætor*, p. 241, and Dionys. iii. 10, suffice to stamp Alba as a Latin Athens.

CHAPTER IV.

THE BEGINNINGS OF ROME.

Ramnes. ABOUT fourteen miles up from the mouth of the river Tiber hills of moderate elevation rise on both banks of the stream, higher on the right, lower on the left bank. With the latter group there has been closely associated for at least two thousand five hundred years the name of the Romans. We are unable, of course, to tell how or when that name arose: this much only is certain, that in the oldest form of it known to us the inhabitants of the canton are called, not Romans, but (by a shifting of the sound that easily occurs in the earlier period of a language, but fell very early into abeyance in Latin*) Ramnians (*Ramnes*), a fact which constitutes an expressive testimony to the immemorial antiquity of the name. Its derivation cannot be given with certainty; possibly "Ramnes" may mean "foresters" or "bushmen."

But they were not the only dwellers on the hills by the bank of the Tiber. In the earliest division of the burgesses of Rome a trace has been preserved of the fact that that body arose out of the amalgamation of three cantons once probably independent, the Ramnians, Tities, and Luceres, into a single commonwealth—in other words, out of such a *synoikismos* as that from which Athens arose in Attica.† The great antiquity of this threefold division of the commu-

* A similar change of sound is exhibited in the case of the following formations, all of them of a very ancient kind: *pars portio, Mars mors, farreum*, ancient form for *horreum, Fabii Fovii, Valerius Volesus, vacuus vocivus*.

† The synoikismos did not necessarily involve an actual collective residence at one spot; but while each resided as formerly on his own land, there was thenceforth only one council and court-house for the whole. Thucyd. ii. 15; Herodot. i. 170.

nity * is perhaps best evinced by the fact that the Romans, in matters of constitutional law especially, regularly used the forms "*tribuere*" (to "divide into three") and "*tribus*" (a "third") in the sense of "partition" and "part," and the latter expression ("*tribus*") early lost, like our "quarter," its original signification of number. After the union, each of these three formerly separate communities but now subdivisions of a single community still possessed its third of the common domain, and had its proportional representation in the burgess-force and in the council of the elders. In ritual also, the number divisible by three of the members of almost all the oldest colleges—of the Vestal Virgins, the Salii, the Arval Brethren, the Luperci, the Augurs—probably had reference to that threefold partition. These three elements into which the primitive body of burgesses in Rome was divided have had theories of the most extravagant absurdity engrafted upon them. The irrational opinion that the Roman nation was a mongrel people finds its support in that division, and its advocates have striven by various means to represent the three great Italian races as elements entering into the composition of the primitive Rome, and to transform a people which has exhibited in language, polity, and religion, a pure and national development such as few have equalled, into a confused aggregate of Etruscan and Sabine, Hellenic and, forsooth! even Pelasgian fragments.

Setting aside self-contradictory and unfounded hypotheses, we may sum up in a few words all that can be said respecting the nationality of the component elements of the primitive Roman commonwealth. That the Ramnians were a Latin stock cannot be doubted, for they gave their name to the new Roman commonwealth, and therefore must have substantially determined the nationality of the united

* We might even, looking to the Attic τριττύς and the Umbrian *trifo*, raise the question whether a triple division of the community was not a fundamental principle of the Græco-Italians: in that case the triple division of the Roman community would not be referable to the amalgamation of several once independent tribes. In order to the establishment, however, of a hypothesis so much at variance with tradition, such a threefold division would require to present itself more generally throughout the Græco-Italian field than seems to be the case, and to appear uniformly everywhere as the ground-scheme. The Umbrians may possibly have adopted the word *tribus* only when they came under the influence of Roman rule; it cannot with certainty be traced in Oscan.

community. Respecting the origin of the Luceres nothing can be affirmed, except that there is no difficulty in the way of our pronouncing them, like the Ramnians, a Latin community. The second, on the other hand, of these communities is with one consent derived from Sabina. This view can at least be traced to a tradition preserved in the Titian brotherhood, which represented that brotherhood as having been instituted, on occasion of the Tities being admitted into the collective community, for the preservation of their distinctive Sabine ritual. It would appear, therefore, that at a period very remote, when the Latin and Sabellian stocks were beyond question far less sharply contrasted in language, manners, and customs than were the Roman and the Samnite of a later age, a Sabellian community entered into a Latin canton-union; and, as in the older and more credible traditions without exception the Tities take precedence of the Ramnians, it is probable that the intruding Tities compelled the older Ramnians to accept their *synoikismos*. A mixture of different nationalities certainly therefore took place; but it hardly exercised an influence greater than, for example, the settlement which occurred some centuries afterwards at Rome of the Sabine Attus Clauzus, or Appius Claudius and his clansmen and clients. The earlier admission of the Tities among the Ramnians does not entitle us to class the community among mongrel peoples any more than does that subsequent reception of the Claudii among the Romans. With the exception, perhaps, of isolated national institutions transplanted in connection with ritual, the existence of Sabellian elements can nowhere be pointed out in Rome; and the Latin language in particular furnishes absolutely no support to such an hypothesis.* It would in fact be more than surprising if the Latin nation should have had its nationality in any sensible degree affected by the insertion of a single community from a national stock most closely re-

* After the older opinion that Latin is to be viewed as a mixed language, made up of Greek and non-Greek elements, has been now abandoned on all sides, cautious inquirers even (*e. g. Schwegler*, R. G. i. 184, 193) still seek to discover in Latin a mixture of two nearly related Italian dialects. But we ask in vain for the linguistic or historical facts which render such an hypothesis necessary. When a language presents the appearance of being an intermediate link between two others, every philologist knows that the phenomenon may quite as probably depend, and more frequently does depend, on organic development than on external intermixture.

lated to it; besides which, it must not be forgotten that at the time when the Tities settled beside the Ramnians, Latin nationality rested on Latium as its basis, and not on Rome. The new tripartite Roman commonwealth was, notwithstanding some elements which, it is possible, were originally Sabellian, just what the community of the Ramnians had previously been, a portion of the Latin nation.

Rome the emporium of Latium.

Long, in all probability, ere an urban settlement arose on the Tiber, these Ramnians, Tities, and Luceres, at first separate, afterwards united, had their stronghold on the Roman hills, and tilled their fields from the surrounding villages. The "wolf-festival" (*Lupercalia*) which the *gens* of the Quinctii celebrated on the Palatine hill, was probably a tradition from these primitive ages—a festival of countrymen and shepherds which preserved, more than any other, the homely pastimes of patriarchal simplicity, and, singularly enough, maintained itself longer than other heathen festivals in Christian Rome.

From these settlements the later Rome arose. The founding of a city, in the strict sense, such as the legend assumes, is of course to be reckoned altogether out of the question: Rome was not built in a day. But the serious consideration of the historian may well be directed to the inquiry in what way Rome could so early attain that prominent political position which it held in Latium, so different from what the physical character of the locality would have led us to anticipate. The site of Rome is less healthy and less fertile than that of most of the old Latin towns. Neither the vine nor the fig succeed well in the immediate environs, and there is a want of springs that yield copious supplies of water; for neither the otherwise excellent fountain of the Camenæ before the Porta Capena, nor the Capitoline well, afterwards enclosed within the Tullianum, furnish it in any abundance. Another disadvantage arose from the frequency with which the river overflowed its banks. Its very slight fall rendered it unable to carry off the water, which during the rainy season descends in large quantities from the mountains, with sufficient rapidity to the sea, and in consequence it flooded the low-lying lands and the valleys that open between the hills, and converted them into swamps. For a settler the locality was anything but attractive. Even in antiquity the opinion was expressed that the first body of immigrant cultivators could scarcely have resorted in search

of a suitable settlement to that unhealthy and unfruitful spot in a region otherwise so highly favoured, and that it must have been necessity, or rather some special motive, which led to the establishment of a city there. Even the legend betrays its sense of the strangeness of the fact: the story of the foundation of Rome by refugees from Alba under the leadership of the sons of an Alban prince, Romulus and Remus, is nothing but a naïve attempt of primitive quasi-history to explain the singular circumstance that the place should have arisen on a site so unfavourable, and to connect at the same time the origin of Rome with the general metropolis of Latium. Such tales, which claim the name of history, but which are merely improvised explanations of no very ingenious character, it is the first duty of history to dismiss; but it may perhaps be allowed to go a step further, and after weighing the special relations of the locality to propose a positive conjecture, not regarding the way in which the place originated, but regarding the circumstances which occasioned its rapid and surprising prosperity and led to its occupying its peculiar position in Latium.

Let us notice first of all the earliest boundaries of the Roman territory. Towards the east the towns of Antemnæ, Fidenæ, Cænina, Collatia, and Gabii lie in the immediate neighbourhood, some of them not five miles distant from the gates of the Servian Rome; and the boundary of the canton must have been in the close vicinity of the city gates. On the south we find at a distance of fourteen miles, the powerful communities of Tusculum and Alba; and the Roman territory appears not to have extended in this direction beyond the *Fossa Cluilia*, five miles from Rome. In like manner, towards the south-west, the boundary betwixt Rome and Lavinium already occurred at the sixth milestone. While in a landward direction the Roman canton was thus everywhere confined within the narrowest possible limits, from the earliest times, on the other hand, it stretched without hindrance on both banks of the Tiber towards the sea. Between Rome and the coast there occurs no locality that is mentioned as an ancient canton-centre, and no trace of any ancient canton-boundary. The legend, indeed, which has its definite explanation of the origin of everything, professes to tell us that the Roman possessions on the right bank of the Tiber, the "seven hamlets" (*septem pagi*), and the important salt-works at its mouth, were taken by King Romu-

lus from the Veientes, and that King Ancus fortified on the right bank the *tête du pont*, the "mount of Janus" (*Janiculum*), and founded on the left the Roman Piræeus, the seaport at the river's "mouth" (*Ostia*). But we have evidence more trustworthy than that of legend, that the possessions on the right bank of the Tiber must have belonged to the original territory of Rome; for in this very quarter, at the fourth milestone on the later road to the port, lay the grove of the creative goddess (*Dea Dia*), the primitive chief seat of the Arval festival and Arval brotherhood of Rome. In fact, from time immemorial the clan of the Romilii, the chief probably of all the Roman clans, was settled in this very quarter: the Janiculum formed a part of the city itself, and Ostia was a burgess colony, or, in other words, a suburb.

This cannot have been the result of mere accident. The Tiber was the natural highway for the traffic of Latium; and its mouth, on a coast scantily provided with harbours, became necessarily the anchorage of seafarers. Moreover, the Tiber formed from very ancient times the frontier defence of the Latin stock against their northern neighbours. There was no place better fitted for an emporium of the Latin river and sea traffic, and for a maritime frontier fortress of Latium, than Rome. It combined the advantages of a strong position and of immediate vicinity to the river; it commanded both banks of the stream down to its mouth; it was so situated as to be equally convenient for the river navigator descending the Tiber or the Anio, and for the seafarer with vessels of so moderate a size as those which were then used; and it afforded greater protection from pirates than places situated immediately on the coast. That Rome was indebted accordingly, if not for its origin, at any rate for its importance, to these commercial and strategical advantages of its position, there are numerous indications to show—indications which are of very different weight from the statements of quasi-historical romances. Thence arose its very ancient relations with Cære, which was to Etruria what Rome was to Latium, and accordingly became Rome's most intimate neighbour and commercial ally. Thence arose the unusual importance of the bridges over the Tiber, and of bridge-building generally in the Roman commonwealth. Thence came the galley in the city arms; thence, too, the very ancient Roman port-

duties on the exports and imports of Ostia, which were from the first levied only on what was to be exposed for sale (*promercale*), not on what was for the shipper's own use (*usuarium*), and which were therefore in reality a tax upon commerce. Thence, to anticipate, the comparatively early appearance in Rome of coined money, and of commercial treaties with transmarine states. In this sense, then, it is certainly not improbable that Rome may have been, as the legend assumes, a creation rather than a growth, and the youngest rather than the eldest among the Latin cities. Beyond doubt the country was already in some degree cultivated, and the Alban range as well as many other heights of the Campagna were occupied by strongholds, when the Latin frontier emporium arose on the Tiber. Whether it was a resolve of the Latin confederacy, or the clear-sighted genius of some unknown founder, or the natural development of traffic, that called the city of Rome into being, it is vain even to surmise.

But in connection with this view of the position of Rome as the emporium of Latium another observation suggests itself. At the time when history begins to dawn on us, Rome appears, in contradistinction to the league of the Latin communities, as an united city. The Latin habit of dwelling in open villages, and of using the common stronghold only for festivals and assemblies, or in case of special need, was subjected to restriction at a far earlier period, probably, in the canton of Rome than anywhere else in Latium. The Roman did not cease to manage his farm in person, or to regard it as his proper home; but the unwholesome atmosphere of the Campagna could not but induce him to take up his abode as much as possible on the more airy and salubrious city hills; and by the side of the cultivators of the soil there must have been a numerous non-agricultural population, partly foreigners, partly native, settled there from very early times. This to some extent accounts for the dense population of the old Roman territory, which may be estimated at the utmost at 115 square miles, partly of marshy or sandy soil, and which, even under the earliest constitution of the city, furnished a force of 3300 freemen, and must have therefore numbered at least 10,000 free inhabitants. But further, every one acquainted with the Romans and their history is aware that it is their civic and mercantile character that forms the basis of what-

over is peculiar in their public and private life, and that the distinction between them and the other Latins and Italians in general is pre-eminently the distinction between citizen and rustic. Rome, indeed, was not a mercantile city, like Corinth or Carthage, for Latium was an essentially agricultural country, and Rome was in the first instance, and continued to be, pre-eminently a Latin city. But the distinction between Rome and the mass of the other Latin towns must certainly be traced back to its commercial position, and to the type of character produced by that position in its citizens. If Rome was the emporium of the Latin districts, we can readily understand how, along with, and in addition to Latin husbandry, urban life should have attained vigorous and rapid development there, and thus have laid the foundation for its distinctive career.

It is far more important, and more practicable, to follow out the course of this mercantile and strategical growth of the city of Rome, than to attempt the useless task of analyzing the insignificant and but little diversified communities of primitive times. The course of this development may still be so far recognized in the traditions regarding the successive circumvallations and fortifications of Rome, the formation of which necessarily kept pace with the growth of the Roman commonwealth in importance as a city.

The Palatine city and the Seven Mounts.

The town, which in the course of centuries grew up as Rome, in its original form embraced according to trustworthy testimony only the Palatine, or "square Rome" (*Roma quadrata*), as it was called in later times from the irregularly quadrangular form of the Palatine hill. The gates and walls that enclosed this original city remained visible down to the period of the Empire: the sites of two of the former, the Porta Romana, near S. Giorgio in Velabro, and the Porta Mugionis, at the Arch of Titus, are still known to us, and the Palatine ring-wall is described by Tacitus from his own observation, at least on the sides looking towards the Aventine and Cælian. Many traces indicate that this was the centre and original seat of the urban settlement. On the Palatine was to be found the sacred symbol of that settlement, the "outfit vault" (*mundus*), as it was called, in which the first settlers deposited a sufficiency of everything requisite for a household, and added a clod of their dear native earth. There, too, was situated the building in which the curies assembled for religious and

other purposes, each at its own hearth (*curiæ veteres*). There was the meeting-house of the "Leapers" (*curia Saliorum*), the place where the sacred shields of Mars were preserved, the sanctuary of the "Wolves" (*Lupercal*), and the residence of the priest of Jupiter. On and near this hill the legend of the founding of the city placed the scenes of its leading incidents, and the straw-covered house of Romulus, the shepherd's hut of his foster-father Faustulus, the sacred fig-tree towards which the cradle with the twins had floated, the cornelian cherry-tree that sprang from the shaft of the spear which the founder of the city had hurled from the Aventine over the valley of the Circus into this enclosure, and other such sacred relics were pointed out to the believer. Temples, in the proper sense of the term, were still at this period unknown, and accordingly the Palatine has nothing of that sort to show belonging to the primitive age. The meeting-places of the community were early transferred elsewhere, and therefore their original site is unknown; only it may be conjectured that the free space round the *mundus*, afterwards called the *Area Apollinis*, was the primitive place of assembly for the burgesses and the senate, and the stage erected over the *mundus* itself the primitive seat of justice of the Roman community.

The "festival of the Seven Mounts" (*septimontium*), again, preserved the memory of the more extended settlement which gradually formed round the Palatine. Suburbs grew up one after another, each protected by its own separate though weaker circumvallations, and joined on to the original ring-wall of the Palatine, as in fen districts the outer dikes are joined on to the main dike. The "Seven Rings" were the Palatine itself; the Cermalus, the declivity of the Palatine in the direction of the morass that in the earliest times extended between it and the Capitoline (*Velabrum*); the Velia, the ridge connecting the Palatine with the Esquiline, which in subsequent times was almost wholly obliterated by the buildings of the Empire; the Fagutal, the Oppius, and the Cispius, the three summits of the Esquiline; lastly, the Sucūsa, or Subūra, a fortress constructed outside of the earthen rampart which protected the new town on the Carinæ, in the low ground between the Esquiline and the Quirinal beneath S. Pietro in Vincoli. These additions, manifestly the results of a gradual growth, clearly suggest to a certain extent the earliest history of the Palatine

Rome, especially when we compare with them the Servian division into regions, which was afterwards formed on the basis of this earliest arrangement.

The Palatine was the original seat of the Roman community, the oldest, and originally the only ring-wall. The urban settlement, however, began in Rome, as everywhere, not within, but under the protection of the stronghold, and the oldest settlements with which we are acquainted, and which afterwards formed the first and second regions in the Servian division of the city, lay in a circle around the Palatine. Such were that on the declivity of the Cermalus, including the "street of the Tuscans," a name which was probably a memorial of the commercial intercourse subsisting between the Cærites and Romans, an intercourse already perhaps carried on with vigour in the Palatine city; and the settlement of the Velia, both of which afterwards formed, along with the stronghold-hill itself, a region in the Servian city. Further, there were the suburb on the Cælian, which probably embraced only its extreme point above the Colosseum; that on the Carinæ, the spur which projects from the Esquiline towards the Palatine; and, lastly, the valley and outwork of the Subura, from which the whole region afterwards derived its name. These two regions constituted together the incipient city; and the Suburan region, which stretched over the valley lying below the stronghold, perhaps from the Arch of Constantine to S. Pietro in Vincoli, appears to have been of higher standing, and was perhaps older than the settlements incorporated by the Servian arrangement in the Palatine region, because in the ranking of the regions the former takes precedence of the latter. A remarkable memorial of the distinction between these two portions of the city was preserved in one of the oldest sacred customs of the subsequent Rome, the sacrifice of the October horse yearly offered in the *Campus Martius*: down to a late period a struggle took place at this festival for the horse's head between the men of the Subura and those of the Via Sacra, and according as victory lay with the former or with the latter, the head was nailed either to the Mamilian Tower (site unknown) in the Subura, or to the king's palace under the Palatine. It was the two halves of the old city that thus competed with each other on equal terms. At that time, accordingly, the Esquiliæ (which name strictly used is exclusive of the Carinæ) were in

reality what they were called, the "out-buildings" (*ex-quiliæ*, like *inquilinus*, from *colere*) or suburb: this became the third region in the later city division, and it was reckoned of inferior consideration as compared with the Suburan and Palatine regions. Other neighbouring heights also, such as the Capitol and the Aventine, may probably have been occupied by the community of the Seven Mounts; the "bridge of piles" in particular (*pons sublicius*), thrown over the natural pier of the island in the Tiber, must have existed even then (the pontifical college alone is sufficient evidence of that), and the *tête du pont* on the Etruscan bank, the height of the Janiculum, would not be left unoccupied; but the community had not as yet brought either within the circuit of its fortifications. The regulation, which was adhered to as a ritual rule down to the latest times, that the bridge should be composed simply of wood without iron, manifestly shows that in its original practical use it was meant to be a flying bridge, which must be capable of being easily at any time broken off or burnt. We recognize in this circumstance how insecure for a long time and liable to interruption was the command of the passage of the river on the part of the Roman community.

No relation is discoverable between the urban settlements thus gradually formed and the three communities into which from an immemorially early period the Roman commonwealth was in political law divided. As the Ramnes, Tities, and Luceres appear to have been communities originally independent, they must indeed have had their settlements originally apart; but they certainly did not dwell in separate circumvallations on the Seven Hills, and all fictions to this effect in ancient or modern times must be consigned by the intelligent inquirer to the same fate with the battle of the Palatine and the charming tale of Tarpeia. On the contrary, each of the three tribes of Ramnes, Tities, and Luceres must have been distributed throughout the two regions of the oldest city, the Subura and Palatine, and the suburban region as well: with this may be connected the fact, that afterwards, not only in the Suburan and Palatine, but in each of the regions subsequently added to the city, there were three pairs of Argean chapels. The Palatine city of the Seven Mounts had probably a history of its own; no other tradition of it has survived than simply that of its having once existed. But as the leaves of the

forest make room for the new growth of spring, although they fall unseen by human eyes, so has this unknown city of the Seven Mounts made room for the Rome of history.

The Hill-Romans on the Quirinal.

But the Palatine city was not the only one that in ancient times existed within the circle afterwards enclosed by the Servian walls; opposite to it, in its immediate vicinity, there lay a second city on the Quirinal. The "old stronghold" (*Capitolium vetus*) with a sanctuary of Jupiter, Juno, and Minerva, and a temple of the god of Fidelity, in which state treaties were publicly deposited, forms the evident counterpart of the later Capitol with its temple to Jupiter, Juno, and Minerva, and with its temple of Fides Romana likewise destined as it were for a repository of international law, and furnishes clear proof that the Quirinal also was once the centre of an independent commonwealth. The same fact may be inferred from the double worship of Mars on the Palatine and the Quirinal; for Mars was the type of the warrior, and the oldest chief divinity of the burgess communities of Italy. Connected with this is the further circumstance that his ministers, the two primitive colleges of the "Leapers" (*Salii*) and of the "Wolves" (*Luperci*), existed in the later Rome in duplicate: by the side of the Salii of the Palatine there were also Salii of the Quirinal; by the side of the Quinctian Luperci of the Palatine there was a Fabian guild of Luperci, which in all probability had their sanctuary on the Quirinal.*

All these indications, which in themselves even are of great weight, become more significant when we recollect that the accurately known circuit of the Palatine city of the

* That the Quinctian Luperci had precedence in rank over the Fabian is evident from the circumstance, that the fabulists attribute the Quinctii to Romulus, the Fabii to Remus (Ovid. *Fast.* ii. 373, *seq.*; Vict. *De Orig.* 22). That the Fabii belonged to the Hill-Romans is shown by the sacrifice of their *gens* on the Quirinal (Liv. v. 46, 52), whether that sacrifice may or may not have been connected with the Lupercalia.

Moreover, the Lupercus of the former college is called in inscriptions (Orelli 2253) *Lupercus Quinctialis vetus*; and the *prænomen* Kæso, which was most probably connected with the Lupercal worship (*v. Rhein. Mus.* N. F. xv. 179), is found exclusively among the Quinctii and Fabii: the forms commonly occurring in authors, *Lupercus Quinctilius* and *Quinctilianus*, are therefore inaccurate, and the college belonged, not to the comparatively recent Quinctilii, but to the far older Quinctii. When, again, the Quinctii (Liv. i. 30), or Quinctilii (Dion. iii. 29), are named among the Alban clans, the latter reading is to be preferred, while the Quinctii are to be regarded as an old Roman *gens*.

Seven Mounts excluded the Quirinal, and that afterwards in the Servian Rome, while the three first regions corresponded to the former Palatine city, a fourth region was formed out of the Quirinal along with the neighbouring Viminal. Thus, too, we discover an explanation of the reason why the strong outwork of the Subura was constructed beyond the city wall in the valley between the Esquiline and Quirinal; it was at that point, in fact, that the two territories came into contact, and the Palatine Romans, after having taken possession of the low ground, were under the necessity of constructing a stronghold for protection against those of the Quirinal.

Lastly, even the name has not been lost by which the men of the Quirinal distinguished themselves from their Palatine neighbours. As the Palatine city took the name of "the Seven Mounts," its citizens called themselves the "Mount-men" (*montani*), and the term "mount," while applied to the other heights belonging to the city, was above all associated with the Palatine, so the Quirinal height as well as the Viminal belonging to it, although they were not lower, but on the contrary somewhat higher than the former, never in the strict use of the language received any other name than "hill" (*collis*): in ritual records, indeed, the Quirinal was not unfrequently designated as the "Hill," without further addition. In like manner, the gate leading from this height was usually called the "Hill-gate" (*Porta Collina*); the priests of Mars settled there those "of the Hill" (*Salii Collini*), in contrast to those of the Palatine (*Salii Palatini*), and the fourth Servian region formed out of this district the Hill-region (*tribus Collina*).* The name of Romans, primarily

* Although the name "Hill of Quirinus" was afterwards ordinarily used to designate the height where the Hill-Romans had their abode, we need not on that account regard the name "Quirites" as having been originally reserved for the burgesses on the Quirinal. For the earliest indications point, as regards them, to the name *Collini*; while it is indisputably certain that the name *Quirites* denoted from the first, as well as subsequently, simply the full burgess, and had no connection with the distinction between *montani* and *collini* (comp. chap. v. *infra*). In fact, Mars *Quirinus*, the spear-bearing god of Death, was originally worshipped as well on the Palatine as on the Quirinal; the oldest inscriptions found at what was afterwards called the Temple of Quirinus designate this divinity simply as Mars, but at a later period, for the sake of distinction, the god of the Mount-Romans more especially was called Mars, the god of the Hill-Romans more especially Quirinus.

When the Quirinal is called *Collis Agonalis*, "Hill of Sacrifice," it is so designated only as the centre of the religious rites of the Hill-Romans.

associated with the locality, was probably appropriated by these "Hill-men" as well as by those of the "Mounts;" and the former perhaps designated themselves as "Romans of the Hill" (*Romani Collini*). That a diversity of race may have lain at the foundation of this distinction between the two neighbouring cities is possible; but evidence sufficient to warrant our pronouncing a community established on Latin soil to be of alien lineage is, in the case of the Quirinal community, totally wanting.*

Relation between the Palatine and Quirinal communities.

Thus the site of the Roman commonwealth was still at this period occupied by the Mount-Romans of the Palatine and the Hill-Romans of the Quirinal as two separate communities confronting each other and doubtless in many respects at feud, in some degree resembling the Montigiani and the Trasteverini in modern Rome. That the community of the Seven Mounts greatly preponderated over that of the Quirinal, even at an early period, may with certainty be inferred both from the greater extent of its newer portions and suburbs, and from the position of inferiority in which the former Hill-Romans were obliged to acquiesce under the later Servian arrangement. But even within the Palatine city there was hardly a true and complete amalgamation of the different constituent elements of the settlement. We have already mentioned

* The evidence alleged for this (comp. *e. g.* Schwegler, R. G. i. 480) mainly rests on an etymologico-historical hypothesis started by Varro, and as usual unanimously echoed by later writers, that the Latin *quiris* and *Quirinus* are akin to the name of the Sabine town *Cures*, and that the Quirinal hill accordingly had been peopled from *Cures*. The linguistic affinity of these words is probable; but how little warrant there is for deducing from it such a historical inference must be obvious at once. That the old sanctuaries on this eminence (where, besides, there was also a "*Collis Latiaris*") were Sabine, has been asserted, but has not been proved. Mars Quirinus, Sol, Salus, Flora, Semo Sancus, or Deus Fidius, were indeed Sabine, but they were also Latin divinities, formed evidently during the epoch when Latins and Sabines still lived undivided. When a name like that of Semo Sancus (which moreover occurs in connection with the Tiber-island) is especially associated with the sacred places of the Quirinal, which afterwards diminished in importance (comp. the *Porta Sanqualis* deriving its name therefrom), every unbiassed inquirer will recognize in such a circumstance only a proof of the high antiquity of that worship, not a proof of its derivation from a neighbouring land. In so speaking we do not mean to deny that it is possible that old distinctions of race may have co-operated in producing this state of things; but if such was the case, they have, so far as we are concerned, totally disappeared, and the views current among our contemporaries as to the Sabine element in the constitution of Rome are only fitted seriously to warn us against such baseless speculations leading to no result.

how the Subura and the Palatine annually contended for the horse's head; the several Mounts also, nay, even the several curies (there was as yet no common hearth for the city, but the various hearths of the curies subsisted side by side, although in the same locality) probably felt themselves to be as yet more separated than united, and Rome as a whole was probably rather an aggregate of urban settlements than a single city. It appears, from many indications, that the houses of the old and powerful families were constructed somewhat in the style of fortresses and were rendered capable of defence—a precaution, it may be presumed, not unnecessary. It was the magnificent scheme of fortification ascribed to King Servius Tullius, that first surrounded, not merely those two cities of the Palatine and Quirinal, but also the heights of the Aventine and the Capitoline which were not comprehended within their enclosure, with a single great ring-wall, and thereby created the new Rome—the Rome of history. But ere this mighty work was undertaken, the relations of Rome to the surrounding country had beyond doubt undergone a complete revolution. As the period, during which the husbandman guided his plough on the seven hills of Rome just as on the other hills of Latium, and the usually unoccupied places of refuge on particular summits alone presented the germs of a more permanent settlement, corresponds to the earliest epoch of the Latin stock, an epoch barren of traffic and barren of action; as thereafter the flourishing settlement on the Palatine and in the "Seven Rings" was coincident with the occupation of the mouths of the Tiber by the Roman community, and with the progress of the Latins to a more stirring and freer intercourse, to an urban civilization in Rome especially, and perhaps also to a better consolidated political union in the individual states as well as in the confederacy; so the Servian wall, which was the foundation of a single great city, was connected with the epoch at which the city of Rome was able to contend for, and at length to achieve, the sovereignty of the Latin confederacy.

CHAPTER V.

THE ORIGINAL CONSTITUTION OF ROME.

FATHER and mother, sons and daughters, home and homestead, servants and chattels—such are the natural elements constituting the household in all cases, where polygamy has not obliterated the distinctive position of the mother. But the nations that have been most susceptible of culture have diverged widely from each other in their conception and treatment of the natural distinctions which the household thus presents. By some they have been apprehended and wrought out more profoundly, by others more superficially; by some more under their moral, by others more under their legal aspects. None has equalled the Roman in the simple but inexorable embodiment in law of the principles chalked out by nature herself. The Roman house.

The family formed an unity. It consisted of the free man, who upon his father's death had become his own master, and the spouse, whom the priests by the ceremony of the sacred salted cake (*confarreatio*), had solemnly wedded to share with him water and fire, with their sons and sons' sons and the lawful wives of these, and their unmarried daughters and sons' daughters, along with all goods and substance pertaining to any of its members. The children of daughters, on the other hand, were excluded, because, if born in wedlock, they belonged to the family of the husband; and if begotten out of wedlock, they had no place in a family at all. A house of his own, and the blessing of children, appeared to the Roman citizen as the end and essence of life. The death of the individual was not an evil, for it was a matter of necessity; but the extinction of a household or of a clan was an evil, even for the com- The House-Father and his household.

munity itself, which in the earliest times, therefore, opened up to the childless the means of avoiding such a fatality by their adopting, in presence of the people, the children of others as their own.

The Roman family from the first contained within it the conditions of a higher culture in the moral adjustment of the mutual relations of its members. Man alone could be head of a family. Woman did not indeed occupy a position inferior to man in the acquiring of property and money; on the contrary, the daughter inherited an equal share with her brother, and the mother an equal share with her children. But woman always and necessarily belonged to the household, not to the community; and in the household itself she necessarily held a position of domestic subjection—the daughter to her father, the wife to her husband,* the fatherless unmarried woman to her nearest male relatives; it was by these, and not by the king, that in case of need woman was brought to trial. Within the house, however, woman was not servant, but mistress. Exempted from the tasks of corn-grinding and cooking, which according to Roman ideas belonged to the menials, the Roman housewife devoted herself in the main to the superintendence of her maid-servants, and to the accompanying labours of the distaff, which was to woman what the plough was to man.† In like manner, the moral obligations of parents

* This was not merely the case with the old religious marriage (*matrimonium confarreatione*); the civil marriage also (*matrimonium consensu*) originally gave to the husband proprietary power over his wife; and accordingly, the principles that regulated the acquisition of property, the legal ideas of "formal delivery" (*coemptio*), and "prescription" (*usus*), were applied without ceremony to the nuptial contract. In cases where the nuptial consent existed but the marital power had not been acquired, and in particular therefore during the period which elapsed before the completion of the prescription, the wife was (just as in the later marriage by *causæ probatio*, until that took place), not *uxor*, but *pro uxore*. Down to the period when Roman jurisprudence became a completed system the principle maintained its ground, that the wife who was not in her husband's power was not a married wife, but only passed as such (*uxor tantummodo habetur*. Cicero, *Top.* iii. 14).

† The following epitaph, although belonging to a much later period, is not unworthy to have a place here. It is the stone that speaks:—

"Hospes, quod deico, paullum est. Asta ac pellege.
Heic est sepulcrum haud pulcrum pulcrai feminae,
Nomen parentes nominarunt Claudiam,
Suom maeitum corde deilexit sovo,
Gnatos duos creavit, horume alterum
In terra limquit, alium sub terra locat;

towards their children were fully and deeply felt by the Roman nation; and it was reckoned a heinous offence if a father neglected or corrupted his child, or if he even squandered his property to his child's disadvantage.

In a legal point of view, however, the family was absolutely guided and governed by the single, all-powerful will of the "father of the household" (*pater familias*). In relation to him all in the household were destitute of legal rights—the wife and the child no less than the bullock or the slave. As it was by the free choice of her husband that the virgin became his wedded wife, so it rested with his own free will to rear or not to rear the child which she bore to him. This maxim was not suggested by indifference to the having a family; on the contrary, the conviction that the founding of a house and the begetting of children were a moral necessity and a duty of the citizen, had a deep and earnest hold of the Roman mind. Perhaps the only instance of a support accorded on the part of the community in Rome, is the enactment that aid should be given to the father who had three children presented to him at a birth; while their views regarding exposure are indicated by its religious prohibition, so far as concerned all the sons—deformed births excepted—and at least the first daughter. Censurable, however, and injurious to the public weal as exposure might be, a father could not be divested of his right to resort to it; for he was, above all, thoroughly and absolutely master in his household, and it was intended that such he should remain. The father of the household not only maintained the strictest discipline over its members, but he had the right and duty of exercising over them judicial powers, and of punishing them, as he deemed fit, in life and limb. A grown-up son might establish a separate household, or maintain, as the Romans expressed it, his "own cattle" (*peculium*) assigned to him by his father; but, legally, all that the son acquired, whether by his own labour or by gift from a

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Sermone lepido, tum autem incessu commodo,
Domum servavit, lanam fecit. Dixi. Abei.
(Burmanni *Anthol.* iv. 147.)

Still more characteristic, perhaps, is the introduction of wool-spinning among purely moral qualities; which is no very unusual occurrence in Roman epitaphs. (Orelli 4639; *optima et pulcherrima, lanifica pia pudica frugi casta domiseda.* Orelli 4861; *modestia probitate pudicitia obsequio lanificio diligentia fide par similisque cetereis probeis femina fuit.*)

stranger, whether in his father's household or in his own, remained the father's property. So long as the father lived the persons legally subject to him could never hold property of their own, and could not therefore alienate, unless by him so empowered, or bequeath. In this respect wife and child stood quite on the same level with the slave, who was not unfrequently allowed to manage a house of his own, and who was likewise entitled to alienate when commissioned by his master. Indeed, a father might convey his son as well as his slave in property to a third person: if the purchaser was a foreigner, the son became his slave; if he was a Roman, the son, while as a Roman he could not become a Roman's slave, stood at least to his purchaser in a slave's stead (*in mancipii causâ*).

In reality the paternal and marital power was subject to no legal restrictions at all. Religion, indeed, pronounced its anathema on some of the worst cases of abuse. For example, besides the already-mentioned restriction of the right of exposure, whoever sold his wife or married son was declared accursed; and in a similar spirit it was enacted, that in the exercise of domestic jurisdiction the father, and still more the husband, should not pronounce sentence on child or wife without having previously consulted the nearest blood-relations, his wife's as well as his own. But even such provisions involved no diminution, legally, of his powers, for the execution of the anathemas was the province of the gods, not of earthly justice, and the blood-relations called in to the domestic judgment were present, not to judge, but simply to advise the father of the household in his judicial office.

But not only was the power of the master of the house unlimited, and responsible to no one on earth; it was also, as long as he lived, unchangeable and indestructible. According to Greek as well as Germanic law, the grown-up son, who was practically independent of his father, was also independent legally; but the power of the Roman father could not be dissolved during his life, either by age or by insanity, or even by his own free will, except where a daughter passed by lawful marriage out of the hand of her father into the hand of her husband, and leaving her own *gens* and the protection of her own gods to enter into the *gens* of her husband and the protection of his gods, became thenceforth subject to him as she had hitherto been to her

father. It was easier, according to Roman law, for the slave to obtain release from his master, than for the son to obtain release from his father; the emancipation of the former was permitted at an early period, and by simple forms; the release of the latter was only rendered possible at a much later date, and by very circuitous means. Indeed, if a master sold his slave and a father his son, and the purchaser emancipated both, the slave obtained his freedom, but the son by such emancipation simply reverted into his father's power as before. Thus the inexorable consistency with which the Romans carried out their conception of the paternal and marital power converted it into a real right of property.

Closely, however, as the power of the master of the household over wife and child approximated to his proprietary power over slaves and cattle, the members of the family were nevertheless separated by a broad line of distinction, not merely in fact but in law, from the family property. The power of the house-master, even apart from the fact that it appeared in operation only within the house, was of a transient and in some degree a representative character. Wife and child did not exist merely for the house-father's sake, in the sense in which property exists only for the proprietor, or in which the subjects of an absolute state exist only for the king; they were the objects, indeed, of a legal right on his part, but they had at the same time capacities of right of their own; they were not things, but persons. Their rights were dormant in respect of exercise, simply because the unity of the household demanded that it should be governed by a single representative; but when the master of the household died, his sons at once came forward as its masters, and now obtained on their own account over the women and children and property the rights hitherto exercised over these by the father. On the other hand, the death of the master occasioned no change in the legal position of the slave.

Family and clan (*gens*).

So strongly was the unity of the family realized, that even the death of the master of the house did not dissolve it. The descendants, who were rendered by that occurrence independent, regarded themselves as still in many respects an unity; a principle which was made use of in arranging the succession of heirs, and in many other relations, but above all in regulating the position of the widow and

unmarried daughters. As, according to the older Roman view, a woman was not capable of having power either over others or over herself, the power over her, or, as it was in this case more mildly expressed, the "guardianship" (*tutela*), remained with the house to which she belonged, and was now exercised, in the room of the deceased house-master, by the whole of the nearest male members of the family; ordinarily, therefore, by sons over their mother, and by brothers over their sisters. In this sense the family, once founded, endured unchanged till the male stock of its founder died out; only the bond of connection must of course have become practically more lax from generation to generation, until at length it became impossible to prove the original unity. On this, and on this alone, rested the distinction between family and clan, or, according to the Roman expression, between Agnati and Gentiles. Both denoted the male stock; but the family embraced only those individuals who, mounting up from generation to generation, were able to exhibit the successive steps of their descent from a common progenitor; the clan (*gens*), on the other hand, comprehended all those who claimed to be descended from a common ancestor, but were no longer able fully to point out the intermediate links, and thereby to establish the degree of their relationship. This is very clearly expressed in the Roman names: when they speak of "Marcus, son of Marcus, grandson of Marcus and so on, the Marcian," the family reaches as far as the ascendants are designated individually, and where the family terminates the clan is introduced supplementarily, indicating derivation from the common ancestor, who has bequeathed to all his descendants the name of the "children of Marcus."

Dependents of the household.

To these strictly closed unities of the family or household united under the control of a living master, and the clan which originated from the dissolution of such households, there further belonged the dependents or "listeners" (*clientes*, from *cluere*). This term denoted not the guests, that is, the members of similar circles who were temporarily sojourning in another household than their own, and still less the slaves, who were looked upon in law as the property of the household and not as members of it, but those individuals who, while they were not free burgesses of any commonwealth, yet lived within one in a condition of protected freedom. This class included refugees, who had

found a reception with a foreign protector, and those slaves in respect to whom their master had for the time being waived the exercise of his *dominium*, and so conferred on them practical freedom. This relation had not properly the character of a relation *de jure*, like the relation of a man to his guest or to his slave: the client remained non-free, although good faith and use and wont alleviated in his case the condition of non-freedom. Hence the "listeners" of the household (*clientes*), together with the slaves strictly so called, formed the "menials" (*familia*) dependent on the will of the "burgess" (*patronus*, like *patricius*). Hence, according to the original law, the burgess was entitled partially or wholly to resume the property of the client, to reduce him on emergency once more to the state of slavery, to inflict even capital punishment on him; and it was simply in consequence of a distinction *de facto* that these patrimonial rights were not asserted with the same rigour against the client as against the actual slave, and that, on the other hand, the moral obligation of the master to provide for his own people and to protect them acquired a greater importance in the case of the client, who was *de facto* in a more free position, than in the case of the slave. More especially must the *de facto* freedom of the client have approximated to freedom *de jure* in those cases where the relation had subsisted for several generations: when the emancipator and the emancipated had themselves died, the *dominium* over the descendants of the emancipated person could not be, without flagrant impiety, claimed by the heirs at law of the emancipator; and thus there was gradually formed within the household itself a class of persons in dependent freedom, who were different alike from the slaves and from the members of the *gens* entitled in the eye of the law to full and equal rights.

The Roman community.

On this Roman household was based the Roman state, both as respected its constituent elements and its form. The community of the Roman people arose out of the junction (in whatever way brought about) of such ancient clanships as the Romilii, Voltinii, Fabii, &c.; the Roman domain comprehended the united lands of these clans (P. 38). Whoever belonged to one of these clans was a burgess of Rome. Every marriage concluded in the usual forms within that circle was valid as a true Roman marriage, and conferred burgess-rights on the children begotten of it. Whoever was begotten in an illegal marriage, or out of marriage, was

excluded from the membership of the community. On this account the Roman burgesses assumed the name of the "fathers" (*patres*), or the "fathers' children" (*patricii*), inasmuch as they all, and only they, were or could be in the eye of the law fathers, and they alone, in the eye of the law, had a father. The clans, with all the families that they contained, were incorporated with the state just as they stood. The spheres of the household and the clan continued to subsist within the state; but the position which a man held in these did not affect his relations towards the state. The son was subject to the father within the household, but in political duties and rights he stood on a footing of equality. The position of the protected dependents naturally underwent a change to the effect that the freedmen and clients of every patron received on his account toleration in the community at large; they continued, indeed, to be immediately dependent on the protection of the family to which they belonged, but the very nature of the case implied that the *protégés* of members of the community could not be wholly excluded from the worship and the festivities of the community, although, of course, they were not capable of the proper rights or liable to the proper duties of burgesses. This remark applies still more to the case of the protected dependents of the community at large. The state thus consisted, like the household, of the persons properly belonging to it and of dependents, of "burgesses" and of "settlers" or *metœci*.

The king.

As the clans resting upon a family basis were the constituent elements of the state, so the form of the body-politic was modelled after the family both generally and in detail. The household was provided by nature herself with a head in the person of the father, with whom it originated, and with whom it perished. But in the community of the people, which was designed to be imperishable, there was no natural master; not, at least, in that of Rome, which was composed of free and equal husbandmen, and could not boast of a nobility by the grace of God. Accordingly it appointed from its own ranks a "leader" (*rex*) and "commander" (*dictator*), a "master of the people" (*magister populi*), who was the master in the household of the Roman community. That this was indeed the true nature of his position is evident, for at a later period there were to be found in, or beside his residence, the always blazing hearth, and

the well-closed store-chamber of the community, the Roman Vesta, and the Roman Penates; as indications of the visible unity of that supreme household which included all Rome. The regal office was constituted by election; but the community did not owe fidelity and obedience to the king until he had convoked the assembly of freemen capable of bearing arms, and formally challenged its allegiance. Then he acquired in its entireness that power over the community which belonged to the house-father in his household; and, like him, he ruled for life. He held intercourse with the gods of the community, whom he consulted and whom he appeased (*auspicia publica*), and he nominated all the priests and priestesses. The agreements which he concluded in name of the community with foreigners were binding upon the whole people; although in other instances no member of the community was bound by an agreement with a non-member. His "command" (*imperium*) was all-powerful in peace and in war, on which account "messengers" (*lictores*, from *licere*, to summon) preceded him with axes and rods on all occasions when he appeared officially. He alone had the right of publicly addressing the burgesses, and it was he who kept the keys of the public treasury. He had the same right as a father had to exercise discipline and jurisdiction. He ordained punishments for breaches of order, and, in particular, flogging for military offences. He sat in judgment in all private and in all criminal processes, and decided absolutely regarding life and death as well as regarding freedom; he could hand over one burgess to fill the place of a slave to another; he could even order a burgess to be sold into actual slavery, or, in other words, into banishment. When he had pronounced sentence of death, he was entitled, but not obliged, to allow an appeal to the people for pardon. He called out the people for service in war, and commanded the army; but with these high functions he was no less bound, when an alarm of fire was raised, to appear in person at the scene of the burning.

As the house-master was not simply the greatest, but the only power in the house, so the king was not merely the first, but the only holder of power in the state. He might indeed form colleges of men of skill composed of those specially conversant with the rules of sacred or of public law, and call upon them for their advice; he might, to facilitate his exercise of power, intrust to others particular

functions, such as the making communications to the burgesses, the command in war, the decision of processes of minor importance, the inquisition of crimes; he might, in particular, if he was compelled to quit the bounds of the city, leave behind him a "city-warden" (*præfectus urbi*), with the full powers of an *alter ego;* but all magisterial power existing by the side of the king's was derived from the latter, and every magistrate held his office by the king's appointment, and during the king's pleasure. All the officials of the earliest period, the extraordinary city-warden, as well as those who were probably nominated regularly, the "trackers of foul murder" (*quæstores parricidii*), and the "leaders of division" (*tribuni*, from *tribus*, part) of the infantry (*milites*) and of the cavalry (*celeres*), were mere royal commissioners, and not magistrates in the subsequent sense of the term. The regal power had not, and could not have, any external checks imposed upon it by law: the master of the community had no judge of his acts within the community, any more than the house-father had a judge within his household. Death alone terminated his power. If he had not himself nominated a successor (which must have been not only his lawful prerogative but very probably part of his duty), the burgesses assembled unsummoned, and designated a "temporary king" (*interrex*), who, however, could only remain in office five days, and was not allowed to claim the allegiance of the people on his own behalf. This interrex, having been nominated without competent summons, and therefore informally, could not himself nominate the new king; but he nominated a second interrex for other five days, who then designated the new king. The interrex might of course, before making his nomination, consult the burgesses or the council of elders, and assure himself that the person to be designated was agreeable to them; but in the election of king no formal co-operation was requisite on the part of the council of elders, and the burgesses only concurred after the nomination. In the eye of the law the new king was always and absolutely appointed by his predecessor.*

* Evidence of a direct nature regarding the constitutional procedure at the election of king in Rome is not to be looked for. But the nomination of dictator took place exactly in the mode here described, and the nomination of consul varied from it only in the circumstance of a binding right of pre-

Thus "the august blessing of the gods, with which renowned Rome was founded," was transmitted from its first regal recipient in regular succession to his followers in office; and the unity of the state was preserved unchanged, notwithstanding the personal change of the holders of power. This unity of the Roman people, represented in the field of religion by the Roman Diovis, was in the field of law represented by the prince, and therefore his costume was the same as that of the supreme god; the state chariot even in the city where every one else went on foot, the ivory sceptre with the eagle, the vermilion-painted face, the chaplet of oaken leaves in gold, belonged alike to the Roman god and to the Roman king. It would be a great error, however, to regard the Roman constitution on that account as a theocracy: among the Italians the ideas of god and king never faded away into each other, as they did in Egypt and the East. The king was not the god of the people; it were much more correct to designate him as the proprietor of the state. Accordingly the Romans knew nothing of special divine grace granted to a particular family, or of any other sort of mystical charm by which a king should be made of different stuff from other men: noble descent, and relationship with earlier rulers were recommendations, but were not necessary conditions; the office might be lawfully filled by any Roman come to years of discretion, and sound in body and mind.* The king was simply an ordinary burgess, whom merit or fortune, and, above all, the necessity of having one as master in every house, had placed as master over his equals—a husbandman set over husbandmen, a

posal being conceded to the community, a concession which beyond dispute bears the stamp of a later origin. The nomination itself in the case of the consulate was without exception made by the predecessor in office, or the interrex; and as the consulate and the dictatorship were in substance simply continuations of the regal office, the hypothesis which we have embodied above must be regarded as quite certain. Election by the curies was (to judge from the accounts) admissible, but by no means necessary, as the story of Servius Tullius proves. It was probably the custom to make the nomination in public (*contione advocata*), and the acclamation with which it was received might easily be viewed by later writers in the light of an election.

* Dionysius affirms (v. 25) that lameness excluded from the supreme magistracy. That Roman citizenship must have formed an indispensable condition for the regal office as well as for the consulate, is so self-evident as to make it scarcely worth while to refute formally the fictions respecting the burgess of Cures.

warrior set over warriors. As the son absolutely obeyed his father and yet did not esteem himself inferior, so the burgess submitted to his ruler without exactly accounting him his better. This constituted the moral and practical check upon the regal power. The king might, it is true, do much that was inconsistent with equity, without exactly breaking the law of the land: he might diminish his fellow-combatants' share of the spoil; he might impose exorbitant task-works, or otherwise by his imposts unreasonably encroach upon the property of the burgess; but if he did so, he forgot that his plenary power came not from God, but, under God's consent, from the people, whose representative he was; and who was there to protect him if that people should in return forget the oath of allegiance which it had sworn? The legal check, again, upon the king's power lay in the principle that he was entitled only to execute the law, not to alter it: in reality, every deviation from the law had to receive the previous sanction of the assembly of the people; if it was not so sanctioned, it was a null and tyrannical act, carrying no legal effects. It thus appears that the power of the king in Rome was, both morally and legally, altogether different from the sovereignty of the present day. There is no counterpart in modern life either to the Roman household or to the Roman state.

The senate.

The strongest outward check imposed by tradition and custom upon absolute power was expressed in the principle that it was not becoming either for the house-father or the king to decide matters of importance without having taken counsel of other men. The marital and paternal power had in this way been circumscribed by the family council; and it stands still more distinctly engraven as a rule for the magistracy of all ages, that in important cases, before any resolution is taken, friends must be asked for their opinion. The assembly of the friends of the king, which thus acquired a decisive influence over the most momentous affairs of the land without at the same time trenching in law on the absoluteness of the regal power, the council of state, which the king had to consult in all affairs not of a purely military or purely judicial kind, was called the Council of the Elders (*Senatus*). It was by no means, however, an assemblage merely of such confidants of the king as it was his pleasure to consult; it was a permanent political institution to which even in the earliest times a certain represent-

ative character appears to have attached. The Roman *gentes* indeed, in the form in which they are known to us, had no visible head: no individual was called to represent the common patriarch, from whom all the clansmen were, or believed themselves, descended. But it was probably otherwise at the period when the state developed itself out of the aggregate of clans: then, in all probability, the assembly of the elders of the several clans formed the original senate, and accordingly, at a later period, each senator might still be regarded as in a certain sense the representative of one of the elementary units of the state—a *gens*. This explains why the once nominated senator ordinarily continued—not certainly *de jure*, but *de facto*,—a member of the senate for life. This further explains why the number of the seats in the senate remained a fixed one, and equal to the number of clanships belonging to the state; so that the amalgamation of the three original communities, each of which consisted of a number of clanships, was necessarily in constitutional law accompanied by an increase of the seats in the senate. This representation, however, of the clans by means of the senate was rather typical of the design of the institution than a legal reality; for in the selection of senators the king was entirely unrestricted: it depended wholly upon himself whether or not he would grant a seat in it even to non-burgesses. In saying this much, however, we do not mean either to affirm or deny that such a thing occurred during the regal period. So long as the individuality of the clans continued to be vividly realised, it probably continued to be at least the rule, that when a senator died, the king summoned in his room another experienced and elderly man of the same clanship; but with the gradual amalgamation and internal union of the community, the selection of senators came to be practically left to the free judgment of the king, who was regarded as abusing his trust only when he omitted to fill up vacancies.

The tenure of the senatorial seats for life, however, and the fact of their being based upon the essential elements of the Roman state, secured to the senate a very different measure of importance from that which would have belonged to a mere assemblage of the king's own confidants. Formally, indeed, the privilege of the senators was limited, as respected the king, simply to the giving advice when they were asked. The king convoked the senate when he pleased,

and laid before it his questions; no senator might declare his opinion unasked, still less might the senate meet without being summoned. The advice tendered was not a command; the king might omit to comply with it, while the senate had no means at its disposal for giving practical effect to its "authority." "I have chosen you," the king said to his senators, "not that ye may be my guides, but that ye may do my bidding." Yet it was, beyond all doubt, practically regarded as a flagrant abuse of the king's power when he omitted to consult the senate in important affairs. Thence the senate probably took part in imposing task-works and extraordinary services in general, in the disposal of the conquered territory, and other such matters; in all cases, moreover, where it was necessary to consult the community, as on the admission of non-burgesses to citizenship, and in the declaring aggressive war. If the Roman community was injured by a neighbour and redress was refused, the Fetialis invoked the gods to be witnesses of the wrong, and concluded with the words, "But on these matters we shall consult the elders at home how we may obtain our rights;" thereupon the king, after having consulted with the senate, reported the matter to the community: it was only when the senate and community had consented to it that the war was reckoned a righteous one, on which the blessing of the gods might reasonably be expected. On the other hand, no trace is to be found of the consultation of the senate in its collective capacity regarding the management of the army or in the administration of justice. It appears, indeed, that when the king sat in judgment himself and called in assessors, or committed the decision of processes at law to sworn deputies, he took these assessors or deputies from the ranks of the senate; but he seems to have taken them entirely of his own selection, and never to have consulted the senate as a body regarding such matters; and for this reason no jurisdiction of the senate existed in Rome so long as it was free.

The community.

The division of the body of burgesses was based on the primitive normal principle that ten houses formed a clan (*gens*), ten clans or a hundred households formed a ward-ship (*curia*, probably related to *curare*, *coerare*—κοίρανος), ten wardships or a hundred clans or a thousand households formed the community; and further, that every household furnished a foot-soldier (hence *mil-es*, like *equ-es*, thousand-

walker), and every clan a horseman and a senator. When communities combined, each of course appeared as a part (*tribus*) of the whole community (*tota* in Umbrian and Oscan), and the original unit became multiplied by the number of such parts. This division had reference primarily to the personal composition of the burgess-body, but it was applied also to the domain so far as that was distributed at all. That the curies had their lands, as well as the tribes, admits of the less doubt, since among the few names of the Roman curies that have been handed down to us we find along with some apparently derived from *gentes*, *e. g. Faucia*, others certainly of local origin, *e. g. Veliensis*. Besides, we meet with a very old measure of land, corresponding to the curia of a hundred households, the "hundred" (*centuria*), comprising a hundred homesteads of two acres each. The clan's lands, of which we have already spoken (P. 38), must in this primitive period of joint possession have been the smallest unit in the division of land.

We find this constitution under its simplest form in the scheme of the Latin or burgess communities that subsequently sprang up under the influence of Rome: these had uniformly the number of a hundred acting councillors (*centumviri*), and each of these councillors was called "head of ten households" (*decurio*).* The same normal numbers make their appearance throughout the earliest tradition regarding the tripartite Rome, which assigns to it thirty curies, three hundred gentes, three hundred horsemen, three hundred senators, three thousand households, and as many foot-soldiers.

Nothing is more certain than that this earliest constitutional scheme did not originate in Rome: it was a primitive institution common to all the Latins, and perhaps reached back to a period long anterior to the separation of the stocks. The Roman constitutional tradition, in such points quite deserving of credit, while it accounts historically for the other divisions of the burgesses, makes the division into curies alone originate with the origin of the city; and in

* Even in Rome, where the simple constitution of ten curies early disappeared in other respects, we still discover one practical application of it, and that, singularly enough, in the very same formality which we have other reasons for regarding as the oldest of all those that are mentioned in our legal traditions, the *confarreatio*. It seems scarcely doubtful that the ten witnesses in that ceremony had the same relation to the constitution of ten curies as the thirty lictors had to the constitution of thirty curies.

entire harmony with that view, not only does the curial constitution present itself in Rome, but in the recently discovered scheme of the organization of the Latin communities it appears as an essential part of the Latin municipal system.

It is difficult, on the other hand, to arrive at a satisfactory view of the object and practical value of the scheme now before us. The distribution into curies manifestly constituted its essence. The tribes cannot have been an element of essential importance, for the simple reason that their occurrence at all was, not less than their number, the result of accident; where there were tribes, they certainly had no other significance than that of preserving the remembrance of an epoch when such tribes had themselves been wholes.* There is no tradition that the several tribes had special presiding magistrates or special assemblies of their own; and it is extremely probable that, in the interest of the unity of the commonwealth, the tribes out of which it had become fused together were never in reality allowed to have such institutions. In the army, it is true, the infantry had as many pairs of leaders as there were tribes; but each of these pairs of military tribunes did not command the contingent of a tribe; on the contrary, each individually, as well as all in conjunction, exercised command over the whole infantry. The clans and families also must in like manner with the tribes, although for reasons very different, have had a theoretical more than a practical significance under this type of constitution. The limits of the stock and of the household were furnished by nature. The legislative power might interfere with these circles in the way of modification; it might subdivide a larger clan and count it as two, or it might join several weak ones together; it might, indeed, enlarge or diminish even the household in a similar way. Nevertheless, affinity in blood always appeared to the Romans to lie at the root of the connection between the members of a clan, and still more between those of a family; and the Roman community can only have interfered with those circles to a limited extent consistent with the retention of their fundamental character of affinity. While, accordingly, the number of households and clans in the Latin communities was origi-

* This is implied in their very name. The "part" (*tribus*) is, as jurists know, just that which has once been or may hereafter come to be a whole; and so has no real standing of its own in the present.

ginally perhaps regarded as fixed, it must very soon have been liable to vary amidst the accidents of human affairs, and the normal scheme of exactly a thousand households and exactly a hundred clans, can only have had more than a mere theoretical significance in its earliest infancy—the infancy of an institution which meets us matured on the threshold of history.* The practical unimportance of these numbers is palpably evinced by the entire absence of instances where they were really applied. It is not affirmed by tradition, nor is it credible, that one foot-soldier was taken precisely from each house, and one horseman and one senator precisely from each clan; although three thousand of the former and three hundred of the latter were selected in all, the selection in detail was doubtless determined from the remotest times wholly by practical considerations, and if the Romans did not allow these normal numbers to fall entirely into abeyance, the reason of their retention lay simply in the tendency deeply implanted in the Latin character towards the systematic adjustment of proportions. If these views be correct, the only member that remains, and that really fulfilled important functions in this primitive constitutional organization, is the curia. Of these there were ten, or, where there were several tribes, ten to each tribe. Such a "wardship" was a real corporate unit, the members of which assembled at least for holding common festivals. Each wardship was under the charge of a special warden (*curio*), and had a priest of its own (*flamen curialis*); beyond doubt, also, levies and valuations took place according to curial divisions, and the burgesses met in judgment by curies and voted by curies. This organization, however, cannot have been introduced primarily with a view to voting,

* In Slavonia, where the patriarchal economy is retained up to the present day, the whole family, often to the number of fifty or even a hundred, remains together in the same house, under the control of the house-father chosen by the whole family for life (Goszpodár). The property of the household, consisting chiefly of cattle, is managed by the house-father; the surplus is distributed among the different family branches. Private acquisitions by industry and trade remain separate property. Instances of quitting the household occur, even in the case of men, *e. g.*, by marrying into a stranger household (Csaplovics, Slavonien, i. 106, 179).

Under such circumstances, which probably are not very widely different from the earliest condition of Rome, the household approximates in character to a community, and a fixed number of households can certainly be conceived. We may connect with such a state the primitive *adrogatio*.

for in that case they would certainly have made the number of subdivisions uneven.

Equality of the burgesses.

Complete as was the sharply defined contrast between burgess and non-burgess, the equality of rights within the burgess-body was as complete. No people has ever, perhaps, equalled that of Rome in the inexorable rigour with which it has carried out these principles, the one as fully as the other. The sharpness of the distinction between burgesses and non-burgesses is nowhere perhaps brought out with more clearness than in the treatment of the primitive institution of honorary citizenship, which was originally designed to mediate between the two. When a stranger was, by resolution of the community, adopted into the circle of the burgesses,* he might, indeed, surrender his previous citizenship, in which case he passed over wholly into the new community; but he might also combine his former citizenship with that which had just been granted to him. Such was the primitive custom, and such in Hellas it always remained, where, even in later ages, the same person not unfrequently held the freedom of several communities at the same time. But the greater vividness with which the conception of the community as such was realized in Latium, could not tolerate the idea that a man could simultaneously belong in the character of a burgess to two communities; and accordingly, when the newly-chosen burgess did not intend to surrender his previous franchise, it attached to the nominal honorary citizenship no further meaning than that of an obligation to befriend and protect the guest (*jus hospitii*), such as had always been recognized as incumbent in reference to foreigners.

But this rigorous retention of barriers against them that were without was accompanied by an absolute banishment of all diversity of rights among the members included in the burgess community of Rome. We have already mentioned that the distinctions existing in the household, which of course could not be set aside, were at least ignored in the community; the son, who as such was subject in property to his father, might, in the capacity of a burgess, come to have command over his father as master. There were no

* The original expression for this was *patronum cooptari*, which, as *patronus* like *patricius* by itself denoted simply the full burgess (p. 65), did not differ from the *in patres* or *in patricios cooptari* (Liv. iv. 4; Sueton. Tib. 1), or the later *in patricios adlegi*.

privileges of rank: the fact that the Tities took precedence of the Ramnes, and both ranked before the Luceres, did not affect their equality in all legal rights. The burgess cavalry, which at this period was used for single combat in front of the line on horseback or even on foot, and was rather an *élite* or reserve troop than a special arm of the service, and which accordingly contained by far the wealthiest, best-armed, and best-trained men, was naturally held in higher estimation than the burgess infantry; but this was a distinction purely *de facto*, and admittance to the cavalry was doubtless conceded to any patrician. It was solely the constitutional subdivision of the burgess-body that gave rise to any distinctions in the eye of the law. The legal equality of all the members of the community was carried out even in their external appearance. Dress indeed served to distinguish the president of the community from its members, the senator from the burgess who did not belong to the senate, the grown-up man under obligation of military service from the boy not yet capable of enrolment; but otherwise, the rich and the noble as well as the poor and low-born were only allowed to appear in public in the like simple wrapper (*toga*) of white woollen stuff. This complete equality of rights among the burgesses had, beyond doubt, its original basis in the Indo-Germanic type of the constitution, but in the precision with which it was thus apprehended and embodied it formed one of the most characteristic and influential peculiarities of the Latin nation. It is well, in connection with this, to recall the fact that in Italy we do not meet with any race of earlier settlers, less capable of culture, that had become subject to the Latin immigrants (P. 9). They had no conquered race to deal with, and therefore no such condition of things as that which gave rise to the Indian system of caste, to the nobility of Thessaly and Sparta, and indeed, of Hellas generally, and probably also to the Germanic distinction of ranks.

Burdens of the burgesses.

The maintenance of the state economy devolved, of course, upon the burgesses. The most important function of the burgess was his service in the army; for the burgess alone had the right and duty of bearing arms. The burgesses were at the same time the "body of warriors" (*populus*, related to *populari*, to lay waste, and *popa*, the butcher): in the old litanies it is upon the "spear-armed warrior-body" (*pilumnus poplus*) that the blessing of Mars was asked

to descend; and the king, when he addressed them, called them "lance-men" (*quirites*).* We have already stated how the army of aggression, the "gathering" (*legio*), was formed. In the tripartite Roman community it consisted of three "hundreds" (*centuriæ*) of horsemen (*celeres*, "the swift," or *flexuntes*, "the wheelers"), under the three leaders of division of the horsemen (*tribuni celerum*),† and three "thou-

* *Quiris, quiritis*, or *quirinus*, literally means "lance-bearer," from *quiris* or *cūris* = lance and *ire*, and in that respect agrees with *samnis, samnitis*, and *sabinus*, which even among the ancients were derived from σαύνιον, spear. Kindred forms are *arquites, milites, pedites, equites, velites*, those respectively who *go* with the *bow*, in bodies of a *thousand*, on *foot*, on *horseback*, without armour in their mere *over-garment*; only in the latter forms, as in *dedertis, hominis*, and numerous other words, the i, originally long, has been shortened. In this way the Juno quiritis, the (Mars) quirinus, the Janus quirinus, are primarily characterized by that epithet as divinities that hurl the spear; and, when used in reference to men, *quiris* denotes the warrior, that is, the full burgess. With this view the *usus loquendi* coincides. Where the locality was meant to be referred to, "Quirites," was never used, but always "Rome" and "Romans" (*urbs Roma, populus, civis, ager Romanus*), because the term *quiris* had as little of a local meaning as *civis* or *miles*. For the same reason these designations could not be combined; they did not say *civis quiris*, because both denoted, though from different points of view, the same conception in law. On the other hand, the solemn announcement of the funeral of a burgess ran in the words "this warrior has departed in death" (*ollus quiris leto datus*); and in like manner the party aggrieved employed this word in calling the burgesses to aid him (*quiritare*); the king addressed the assembled community by this name; and, when he sat in judgment, he spake according to the law of the warrior-freemen (*ex jure quiritium*), quite similar to the later *ex jure civili*. The phrase *populus Romanus, Quirites*, thus means "the community and the individual burgesses," and therefore in an old formula (Liv. i. 32) to the *populus Romanus* are opposed the *prisci Latini*, to the *Quirites* the *homines prisci Latini* (Bekker, Handb. ii. 20 *seq.*); *populus Romanus Quiritium* corresponds to the well-known phrases *colonia colonorum, municipium municipum*.

In the face of these facts it is only ignorance of language and of history that can still adhere to the idea that the Roman community was once confronted by a Quirite community of a similar kind, and that after their incorporation the name of the recently received community supplanted in ritual and legal phraseology that of the receiver.—Comp. note p, 57.

† Among the eight ritual institutions of Numa, Dionysius (ii. 64), after naming the Curiones and Flamines specifies as the third the leaders of the horsemen (*οἱ ἡγεμόνες τῶν Κελερίων*). According to the Prænestine Calendar a festival was celebrated at the Comitium on the 19th March [*adstantibus pon*] *tificibus et trib*(*unis*) *celer*(*um*). Valerius Antias (ap. *Dionys.* ii. 13, cf. iii. 41) assigns to the earliest Roman cavalry a leader, Celer, and three centurions. Moreover Brutus is affirmed to have been *tribunus celerum* at the expulsion of the kings (Liv. i. 59), and according to Dionysius (iv. 71) to have even by virtue of this office made the proposal to banish the Tarquins. And, lastly, Pomponius (Dig. i. 2, 15, 19) and Lydus in a similar way, partly perhaps borrowing from him (De Mag. i. 14, 37), identify the *tribunus*

sands" of footmen (*milites*), under the three leaders of division of the infantry (*tribuni militum*). To these there may perhaps have been added a number of light-armed, archers especially, fighting apart from the regular ranks.* The general was ordinarily the king himself; as the cavalry had regularly a colonel of their own (*magister equitum*) appointed over them, it would appear that the king led mainly the infantry, and that this accordingly, as is probable also on other grounds, formed from the first the chief part of the armed force. Besides service in war, other personal burdens might devolve upon the burgesses; such as the obligation of undertaking the king's commissions in peace and in war (P. 68), and the tasks of tilling the king's lands or of constructing public buildings. How heavily in particular the burden of building the walls of the city pressed upon the community, is evidenced by the fact that the ring-walls retained the name of "tasks" (*mœnia*). There was no regular direct taxation, nor was there any direct regular expenditure on the part of the state. Taxation was not needed for defraying the burdens of the community, since the state gave no recompense for service in the army, for task-works or for public service generally; so far as there was such recompense at all, it was given to the person who

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celerum with the Celer of Antias, the *magister equitum* of the dictator under the Republic, and the *Præfectus prætorio* of the Empire.

Of these the only statements which are extant regarding the *tribuni celerum*, the last mentioned not only proceeds from late and quite untrustworthy authorities, but is inconsistent with the meaning of the term, which can only signify "divisional leaders of horsemen." Above all, the master of the horse of the republican period, who was nominated only on extraordinary occasions, and was in later times no longer nominated at all, cannot possibly have been identical with the magistracy that was required for the annual festival of the 19th March and was consequently a standing office. Laying aside, as we necessarily must, the account of Pomponius, which has evidently arisen solely out of the anecdote of Brutus dressed up with ever-increasing ignorance as history, we reach the simple result, that the *tribuni celerum* entirely corresponded in number and character to the *tribuni militum*, and that they were the leaders of division of the horsemen, and therefore quite distinct from the *magister equitum*, an office which forming as it did a necessary appanage of the dictator must likewise have existed in the regal period. Out of the three *tribuni celerum* there subsequently arose, in consequence of the well-known doubling of the centuries of the cavalry, the *seviri equitum Romanorum*.

* This is indicated by the evidently very old forms, *velites* and *arquites*, and by the subsequent organization of the legion.

performed the service by the district concerned in it, or by the person who could not or would not serve himself. The victims needed for the public service of the gods were procured by a tax on actions at law; the defeated party in an ordinary process paid down to the state a cattle-fine (*sacramentum*) proportioned to the value of the subject of dispute. There is no mention of any standing presents to the king on the part of the burgesses, but the non-burgesses settled in Rome (*ærarii*) appear to have paid to him a tax for protection. Besides this, there flowed into the royal coffers the port-duties (P. 50), as well as the income from the domain-lands—in particular, the pasture-tribute (*scriptura*) from the cattle driven out upon the common pasture, and the quotas of produce (*vectigalia*), which the lessees of the lands of the state had to pay instead of rent. To this was added the produce of cattle fines and confiscations, and the gains of war. In cases of need, in fine, a contribution (*tributum*) was imposed, which was looked upon, however, as a forced loan, and was repaid when the times improved; whether it fell upon all settlers whether burgesses or not, or upon burgesses alone, cannot be determined; the latter supposition is, however, the more probable.

The king managed the finances. The property of the state, however, was not identified with the private property of the king (which, judging from the statements regarding the extensive landed possessions of the last Roman royal house, the Tarquins, must, as a rule, have been considerable). The lands won by arms, in particular, appear to have been constantly regarded as property of the state. Whether and how far the king was restricted by use and wont in the administration of the public property, can no longer be ascertained; only we may infer from the subsequent course of procedure, that the burgesses can never have been consulted regarding it; whereas it was probably the custom to consult the senate in the imposition of the *tributum*, and in the distribution of the lands won in war.

Rights of the burgesses.

The burgesses, however, do not merely come into view as furnishing contributions and rendering service; they also bore a part in the public government. For this purpose all the members of the community (with the exception of the women, and the children still incapable of bearing arms), in other words, the "spearmen," as in addressing them they were designated, assembled at the seat of justice, where the

king convoked them for the purpose of making a communication (*conventio, contio*), or formally cited them (*calare, comitia calata*) for the third week (*in trinum noundinum*), to consult them by curies. He appointed such formal assemblies of the community to be held regularly twice a year, on the 24th of March and the 24th of May, and as often besides as seemed to him necessary. The burgesses, however, were always summoned, not to speak, but to hear; not to ask, but to answer. No one spoke in the assembly but the king, or he to whom the king saw fit to grant liberty of speech; and the speaking of the burgesses consisted of a simple answer to the question of the king, without discussion, without reasons, without conditions, without breaking up the question even into parts. Nevertheless the Roman burgess-community like the Germanic and, not improbably, the primitive Indo-Germanic communities generally, formed the real and ultimate basis of the political idea of sovereignty. But in the ordinary course of things this sovereignty was dormant, or only had its expression in the fact that the burgess-body voluntarily bound itself to render allegiance to its president. For that purpose the king, after he had entered on his office, simultaneously with his receiving inauguration from the priests, addressed to the assembled curies the question whether they would be to him true and loyal subjects, and would in the wonted way acknowledge himself as well as his servants, the inquisitors (*quæstores*) and messengers (*lictores*); a question which undoubtedly might no more be answered in the negative than the parallel homage in the case of a hereditary monarchy might be refused.

It was in thorough consistency with constitutional principles that the burgesses, being the sovereign power, should not on ordinary occasions take part in the course of public business. So long as public action was confined to the carrying into execution of the existing constitutional regulations, that which was, properly speaking, the sovereign power in the state could not, and might not, interfere: the laws governed, not the lawgiver. But it was different where a change of the existing constitutional regulations, or, it might be merely, a deviation from them in a particular case, was necessary. In every such case the Roman constitution exhibits the burgesses as exercising their power. If the king died without nominating his successor, the command (*imperium*) and the divine protection (*auspicia*) of the or-

phaned commonwealth devolved for the time upon the burgesses, till a new master was got; and, in that case, that body unbidden nominated the first interrex (P. 68). It was only exceptionally, however, and when need required, that the burgesses thus acted of their own motion; and, therefore, the interrex chosen by the community unsummoned was not regarded as having been quite validly chosen. Ordinarily, on the other hand, the sovereignty of the state was only exercised by the burgesses and the king or interrex in co-operation. As the legal relation between ruler and ruled was itself ratified like a contract by oral question and answer, so every sovereign act of the community was completed by means of a question (*rogatio*), which the king—but only he, never his *alter ego* (P. 68)—addressed to the burgesses, and to which the majority of the curies gave an affirmative answer. In this case their consent might undoubtedly be refused. Among the Romans, therefore, law was not primarily, as we conceive it, a command addressed by the sovereign to the whole members of the community, but, primarily, a contract concluded between the constitutive powers of the state by address and counter-address.* Such a legislative contract was requisite in the eye of the law in all cases which involved a deviation from the ordinary consistency of the legal system. In the ordinary course of law any one might, without restriction, give away his property to whom he would, but only upon condition of its immediate transfer: that the property should continue for the time being with the owner, and at his death pass over to another, was a legal impossibility—unless the community should allow it; a permission, which, in this case, the burgesses could grant, not only when assembled in their curies, but also when drawn up for battle. This was the origin of testaments. In the ordinary course of law the free man could not lose or surrender the inalienable blessing of freedom, and therefore he who was subject to no house-master could not subject himself to another in the character of a son—unless the community should grant him leave to do so.

* *Lex*, properly speech, sentence spoken (from λέγειν, to speak), denotes, as is well known, a contract in general, along, however, with the connotation of a contract whose terms the proposer dictates and the accepter simply adopts or declines; as is the case, *e. g.*, with government contracts. In the *lex publica populi Romani*, the proposer was the king, the accepter the people; the limited co-operation of the latter was thus significantly indicated in the very language.

This was the *adrogatio*. In the ordinary course of law burgess-rights could only be acquired by birth, and could never be lost—unless the community should confer the patriciate, or allow its surrender; neither of which acts, doubtless, could validly take place originally without a decree of the curies. In the ordinary course of law the criminal whose crime deserved death, when once the king or his depute had pronounced sentence according to judgment and justice, was inexorably executed; for the king could only judge, not pardon—unless the condemned burgess appealed to the mercy of the community, and the judge allowed him the opportunity of pleading for pardon. This was the beginning of the *provocatio*, which accordingly was especially permitted, not to the transgressor who had refused to plead guilty and been convicted, but to him who confessed his crime and urged reasons in palliation of it. In the ordinary course of law the perpetual treaty concluded with a neighbouring state might not be broken—unless the burgesses allowed its breach on account of injuries inflicted. Hence it was necessary that they should be consulted when an aggressive war was contemplated, but not on occasion of a defensive war when the other state had broken the treaty, nor on the conclusion of peace; it appears, however, that the question was in such a case addressed, not to the assembly of curies, but to the army. Thus, in fine, it was necessary to consult the burgesses whenever the king meditated any innovation, any change of the existing public law; and in so far the right of legislation was from antiquity a right of the community, not of the king. In these, and all similar cases, the king could not act with legal effect without the co-operation of the community; the man whom the king alone declared a patrician remained a non-burgess as before, and the invalid act could only carry consequences *de facto*, not *de jure*. Thus far, then, the assembly of the community, restricted and hampered as it at first appears, was yet from antiquity a constituent element of the Roman commonwealth, and its prerogatives and action were by no means, like those of the senate, made ultimately to depend on the arbitrary will of the king.

The original constitution of Rome.

Let us now sum up the results. Sovereignty, as conceived by the Romans, was inherent in the burgesses; but they were only entitled to act alone in case of necessity, and only

entitled to act along with the king when there was to be a departure from existing rules. The royal power was, as Sallust says, at once absolute and limited by the laws (*imperium legitimum*); absolute, so far as the king's commands whether righteous or not, must, in the first instance, be unconditionally complied with; limited, in so far as a command contravening established usage, and not sanctioned by the true sovereign—the people—carried no permanent legal consequences. The oldest constitution of Rome was thus, in some measure, constitutional monarchy inverted. In that form of government the king is regarded as the possessor and bearer of the plenary power of the state; and accordingly acts of grace, for example, proceed solely from him, while the administration of the state belongs to the representatives of the people and to the executive responsible to them. In the Roman constitution the community of the people exercised very much the same functions as belong to the king in England: the right of pardon, which in England is the prerogative of the crown, was in Rome the prerogative of the community; while the ordinary operations of government devolved entirely on the crown.

If, in conclusion, we inquire as to the relation of the state itself to its individual members, we find the Roman state equally remote from the laxity of a mere defensive combination, and from the modern idea of an absolute omnipotence of the state. Checks from without, indeed, could still less be imposed upon the power of the state than upon the power of the king; but, as the very idea of legal right implies a limitation of that right, the power of the state was by no means without its limits. The community doubtless exercised power over the person of the burgess in the imposition of public burdens, and in the punishment of offences and crimes; but any special law inflicting, or threatening to inflict, punishment on an individual on account of acts not universally recognized as penal, always appeared to the Romans, even when there was no flaw in point of form, an arbitrary and unjust proceeding. Far more restricted still was the power of the community in respect of the rights of property and the rights of family which were coincident rather than merely connected with these. In Rome the household was not absolutely annihilated, and the community aggrandized at its expense, as was the case in the police organization

of Lycurgus. It was one of the most undeniable as well as one of the most remarkable principles of the primitive constitution of Rome, that the state might imprison or hang the burgess, but might not take away from him his son or his field, or even lay taxation on him. No community was so all-powerful within its own sphere as the Roman; but in no community did the burgess who conducted himself unblameably live in an equally absolute security from the risk of encroachment on the part either of his fellow-burgesses or of the state itself.

These were the principles on which the community of Rome governed itself—a free people understanding the duty of obedience, disowning all mystical ideas of divine right, absolutely equal in the eye of the law and one with another, bearing the sharply defined impress of a nationality of their own while, at the same time (as will be afterwards shown), they wisely as well as magnanimously opened their gates wide for intercourse with other lands. This constitution was neither manufactured nor borrowed; it grew up amidst and along with the Roman people. It was based, of course, upon the earlier constitutions—the Italian, the Græco-Italian, and the Indo-Germanic; but a long succession of phases of political development must have intervened between such constitutions as the poems of Homer and the Germania of Tacitus delineate, and the oldest organization of the Roman community. In the acclamation of the Hellenic, and in the shield-striking of the Germanic assemblies, there was involved an expression of the sovereign power of the community; but a wide interval separated forms such as these from the organized jurisdiction and the regulated declaration of opinion of the Latin assembly of curies. It is possible, moreover, that as the Roman kings certainly borrowed the purple mantle and the ivory sceptre from the Greeks—not from the Etruscans—the twelve lictors also, and various other external arrangements, were introduced from abroad. But that the development of the Roman constitutional law belonged decidedly to Rome, or, at any rate, to Latium, and that the borrowed elements in it are but small and unimportant, is clearly demonstrated by the fact that all its ideas are uniformly expressed by words of Latin coinage.

This constitution practically established the fundamental

conceptions on which the Roman commonwealth was thenceforth to be based; for, as long as there was a Roman community, in spite of changes of form its settled principles were:—that the magistrate had absolute command; that the council of elders was the highest authority in the state; and that every exceptional resolution required the sanction of the sovereign, or, in other words, of the community of the people.

CHAPTER VI.

THE NON-BURGESSES AND THE REFORMED CONSTITUTION.

Amalgamation of the Palatine and Quirinal cities.

THE history of every nation, and Italian history especially, is a *Synoikismos* on a great scale. Rome, in the earliest form in which we have any knowledge of it, was already triune, and similar incorporations only ceased when the spirit of Roman vigour had wholly died away. Apart from that primitive process of amalgamation of the Ramnes, Tities, and Luceres, of which hardly anything beyond the bare fact is known, the earliest act of incorporation of this sort was that by which the Hill-burgesses became merged in the Palatine Rome. The organization of the two communities, when they were about to be amalgamated, may be conceived to have been substantially similar, and in solving the problem of union they would have to choose between the alternatives of retaining duplicate institutions or of abolishing one set of these and extending the other to the whole united community. They adopted the former course in the case of all sanctuaries and priesthoods. Thenceforth the Roman community had its two guilds of Salii and two of Luperci, and as it had two forms of Mars, it had also two priests for that divinity; the Palatine priest, who afterwards usually took the designation of priest of Mars, and the Colline, who was termed priest of Quirinus. It is likely, although it can no longer be proved, that all the old Latin priesthoods of Rome, the Augurs, Pontiffs, Vestals, and Fetials, originated in the same way from the combined colleges of priests of the Palatine and Quirinal communities. In the division into local regions the town on the Quirinal hill was added as a fourth region to the three formed out of the Palatine city, the Suburan, Palatine, and Suburban (*Esquiliæ*). In the case of the original *Synoikis-*

mos, the annexed community was recognized after the union as at least a tribe (part) of the new burgess-body, and thus had in some sense a continued political existence; but no such course was followed in the case of the Hill-Romans, or in any of the later processes of annexation. After the union the Roman community continued to be divided as formerly into three tribes each containing ten wardships (*curiæ*), and the Hill-Romans (whether they were or were not previously distributed into tribes of their own) must have been inserted into the existing tribes and wardships. This insertion was probably so arranged, that while each tribe and wardship received its assigned proportion of the new burgesses, the new burgesses in these divisions were not amalgamated completely with the old; the tribes henceforth exhibit two ranks: the Tities, Ramnes, and Luceres being respectively subdivided into first and second (*priores, posteriores*). With this division was connected in all probability that arrangement of the organic institutions of the community in pairs, which meets us everywhere. The three pairs of Sacred Virgins are expressly indicated as representatives of three tribes with their first and second ranks; and it may be conjectured that the six Argean chapels that belonged to each of the four urban regions (P. 54), and the pair of Lares worshipped in each street, had a similar origin. This arrangement is especially apparent in the army: after the union each half-tribe of the tripartite community furnished a hundred horse, and the Roman burgess-cavalry was thus raised to six "hundreds," and the number of the captains of horse (*tribuni celerum*) from three to six. There is no tradition of any corresponding increase in the infantry; but to this origin we may probably refer the subsequent custom of calling out the legions regularly two by two, and this doubling of the levy probably led to the rule of having not three, as was perhaps originally the case, but six leaders of division to command the legion. It is certain that no corresponding increase of seats in the senate took place: on the contrary, the primitive number of three hundred senators remained the normal number down to the seventh century. It may, however, be reasonably presumed that a number of the more prominent men of the newly annexed community would be received into the senate of the Palatine city. The same course was followed with the magistracies: a single king presided over the united community, and there was one

captain of horse and one warden of the city, his principal deputes. It thus appears that the ritual institutions of the Hill-city were continued, and that the doubled burgess-body was required to furnish a military force of double numerical strength; but in other respects the incorporation of the Quirinal city into the Palatine was really a subordination of the former to the latter. All other indications attest that it was so. The appellation of "lesser clans" (*minores gentes*) appears to have been applied to all who were known to be subsequent additions to the original burgesses; but there is reason to presume that originally this distinction of old and new burgesses was identical with the distinction of the first and second Tities, Ramnes, and Luceres, and consequently that the *gentes* of the Quirinal city were primarily the "new." The distinction was certainly more an honorary than a legal precedence; but it is a significant circumstance that in taking the vote in the senate the senators taken from the greater clans were always asked before those of the lesser.* In like manner the Colline region ranked as inferior even to the Suburban (Esquiline) region of the Palatine city; the priest of the Quirinal Mars as inferior to the priest of the Palatine Mars; the Quirinal Salii and Luperci as inferior to those of the Palatine. It thus appears that the *Synoikismos*, by which the Palatine community absorbed that of the Quirinal, marked an intermediate stage between the earliest *Synoikismos* by which the Tities, Ramnes, and Luceres became blended, and all those that took place afterwards. The annexed community was no longer allowed to form a separate tribe in the new whole, but it probably furnished at least a distinct portion of each tribe, and its ritual institutions were not only allowed to subsist, as was afterwards done in other cases, after the capture of Alba, for example, but were raised into institutions of the united community, a course which was not pursued in any subsequent instance.

* As to the *minores gentes*, apart from conjectures of little historical value as to the time of their admission into the burgess body (Cic. *de Rep.* ii. 20, 35; Liv. i. 35; Tacit. *Ann.* xi. 25; Victor, *Viri Ill.* 6), nothing is recorded by tradition, except that they had a secondary position in voting in the senate (Cic. *l. c.*), and that the Papirii belonged to them (Cic. *ad Fam.* ix. 21). The latter circumstance is remarkable, for a region derived its name from this *gens* (p. 38). The same was the case with the Fabii (*l. c.*), who seem also to have belonged to the Hill-city (p. 55).

Dependents and Guests.

The amalgamation of two substantially similar commonwealths produced rather an increase in the size than a change in the intrinsic character of the existing community. A second process of importance, which was carried out far more gradually, and had far deeper effects, may be traced back, so far as the first steps in it are concerned, to this epoch; we refer to the amalgamation of the burgesses and *metœci*. At all times there existed side by side with the burgesses in the Roman community their bondmen the "listeners" (*clientes*), as they were called, from their being dependents on the several burgess-households, or the "multitude" (*plebes*, from *pleo*, *plenus*), as they were termed negatively with reference to their want of political rights.* The elements of this intermediate stage between the freeman and the slave were, as has been shown (P. 64), already in existence in the Roman household: in the community this class could not but acquire greater importance in fact and in law, and that for two reasons. In the first place the community might itself possess half-free clients as well as slaves; especially after the conquest of a town and the breaking up of its commonwealth it might often appear to the conquering community advisable, not to sell the mass of the burgesses formally as slaves, but to allow them the continued possession of freedom *de facto*, so that in the capacity as it were of freedmen of the community they entered into relations of clientship to the state, or in other words to the king. In the second place, the very nature of the community as such, and its authority over individual burgesses, implied a power of protecting their clients against an abusive exercise of the dominial rights still vested in them *de jure*. Already at an immemorially early period there was introduced into Roman law the principle on which rested the whole legal position of the *metœci*, that when a master on occasion of a public legal act—such as in the making of a testament, in an action at law, or in the census—expressly or tacitly surrendered his *dominium*, neither he himself nor his successors at law should ever have power arbitrarily to recall that resignation or reassert a claim to the person of the freedman himself or of his descendants. The clients and their posterity did not by virtue of their position possess the rights of burgesses or those of guests; for to constitute

* *Habuit plebem in clientelas principum descriptam.* Cicero, *de Rep.* ii. 2.

a burgess a formal bestowal of the privilege was requisite on the part of the community, while the relation of guest presupposed the holding of burgess-rights in a community which had a treaty with Rome. What they did obtain was the possession of a freedom protected by statute, while they continued to be *de jure* non-free. Accordingly for a lengthened period their relations in all matters of property were, like those of slaves, regarded in the eye of the law as relations of the patron, and it seems to have been necessary that the latter should represent them in processes at law; in connection with which the patron enjoyed the correlative privilege of levying contributions from them in case of need, and of calling them to account before him criminally. Gradually, however, the body of *metœci* outgrew their fetters; they began to acquire and to alienate in their own name, and to claim and obtain legal redress from the Roman tribunals without the formal intervention of their patron.

Equality of rights with the burgesses as respects marriage and inheritance was far sooner conceded to foreigners (P. 42) than to those who were strictly non-free and belonged to no community; but the latter could not well be prohibited from contracting marriages in their own circle, and from forming the legal relations arising out of marriage—those of marital and paternal power, of *agnatio* and clanship, of heritage and of tutelage—after the model of similar relations among the burgesses.

Similar consequences to some extent were produced by the exercise of the *jus hospitii*, in cases where upon that footing foreigners settled permanently in Rome, and established a domestic circle, and perhaps even acquired immoveable estate there. In this respect the most liberal principles must have prevailed in Rome from primitive times. The Roman law knew no distinctions of quality in inheritance, and no locking up of estates; it allowed on the one hand, to every man capable of making a disposition, the entirely unlimited disposal of his property during his lifetime; and, on the other hand, so far as we know, to every one who was at all entitled to have dealings with Roman burgesses, even to the foreigner and the client, the unlimited right of acquiring moveable, and (from the time when immoveables could be held as private property at all) also immoveable, estate in Rome. Rome was in fact a commercial city, which was indebted for the commencement of its importance to international

intercourse, and which with a noble liberality granted the privilege of settlement to every offspring of an unequal marriage, to every manumitted slave, to every stranger who, surrendering his rights at home, emigrated to Rome, and in fact to a great extent even to the foreigner, who retained his rights as a burgess in a friendly community.

Body of *metœci* subsisting by the side of the community.

At first, therefore, the burgesses were in reality the master-protectors, the non-burgesses were the protected; but in Rome, as in all communities, which do not throw open the rights of citizenship, it soon became a matter of increasing difficulty to harmonize this relation *de jure* with the actual state of things. The flourishing of commerce, the right of settling in the capital secured to all Latins by the Latin league, the greater frequency of manumissions as prosperity increased, must have occasioned even in peace a disproportionate increase of the number of *metœci*. That number was further augmented by the greater part of the population of the neighbouring towns subdued by force of arms and incorporated with Rome, which, whether it was transferred to Rome or remained in its old home now reduced to the rank of a village, ordinarily exchanged its native burgess-rights for those of a Roman *metoikos*. Moreover the burdens of war fell exclusively on the old burgesses, and were constantly thinning the ranks of their patrician descendants, while the *metœci* shared in the results of victory without having to pay for it with their blood.

Under such circumstances the only wonder is that the Roman patriciate did not disappear much more rapidly than it actually did. The fact of its still continuing for a prolonged period a numerous community can scarcely be accounted for by the bestowal of Roman burgess-rights on several distinguished foreign *gentes*, which upon emigrating from their homes or upon their cities being conquered received the Roman franchise—for such grants appear to have occurred but sparingly from the first, and to have become always more rare, the more the privilege increased in value. A cause of greater influence, we venture to conjecture, was the introduction of the civil marriage, by which a child begotten of patrician parents living together as married persons although without *confarreatio*, acquired full burgess-rights equally with the child of a *confarreatio* marriage. At least it is probable that the civil marriage, which already existed in Rome before the Twelve Tables but was certainly

not an original institution, was introduced for the very purpose of preventing the disappearance of the patriciate.* Connected with this were also the measures which were already in the earliest times adopted with a view to maintain a numerous posterity in the several households (P. 61); and it is even not improbable, that for a similar reason all children of patrician mothers, begotten in unequal marriage or out of marriage, were admitted in later times as members of the burgess-body.

Nevertheless the number of the *metœci* was constantly on the increase, and liable to no special diminution, while that of the burgesses was, at the utmost perhaps, not decreasing; and in consequence the *metœci* necessarily acquired by imperceptible degrees another and a freer position. The non-burgesses were no longer merely emancipated slaves or strangers needing protection; their ranks included the former burgesses of the Latin communities vanquished in war, and, more especially, the Latin settlers, who lived in Rome, not by the favour of the king or of any other burgess, but by federal right. Legally unrestricted in the acquiring of property, they gained money and estate in their new home, and bequeathed, like the burgesses, their homesteads to their children and children's children. The depressing relation of dependence also on particular burgess-households became gradually relaxed. If the liberated slave or the immigrant stranger still held an entirely isolated position in the state, such was no longer the case with his children, still less with his grandchildren, and this very circumstance of itself rendered their relation to the patron of less moment. While in earlier times the client was exclusively left dependent for the protection of his rights on the intervention of some patron, the more the state became consolidated, and the importance of the clanships and households became

* The enactments of the Twelve Tables respecting *usus* show clearly that they found the civil marriage already in existence. In like manner the high antiquity of the civil marriage is clearly evident from the fact that it, equally with the religious marriage, necessarily involved the marital power (p. 60), and only differed from the religious marriage as respected the manner in which that power was acquired. The latter of itself necessarily gave full marital power to the husband; whereas, in the case of civil marriage, one of the general forms of acquisition used on other occasions, delivery on the part of a person entitled to give away, or prescription, was requisite in order to lay the foundation of a valid marital power, and thereby to constitute a valid marriage. The marital power was simply the husband's right of property in his wife.

in consequence diminished, the more frequently must the individual client have obtained justice and redress of injury, even without the intervention of his patron, from the king. A great number of the non-burgesses, particularly the members of the dissolved Latin communities, were probably from the first clients, not of any private person at all, but of the king for the time being, and thus they served only the single master to whom the burgesses also, although in different fashion, rendered their obedience. The king, whose sovereignty over the burgesses was in truth ultimately dependent on the good-will of his subjects, must have welcomed the means of forming out of his own dependents a body bound to him by closer ties, whose gifts and lapsed successions replenished his treasury (even the protection money which the *metœci* paid to the king (P. 80) may have been connected with such a relation), whose taskwork he could lay claim to in his own right, and whom he found always ready to swell the train of their protector.

Thus there grew up by the side of the burgesses a second community in Rome: out of the clients arose the plebs. This change of name is significant. In law there was no difference between the client and the plebeian, the "dependent" and the "man of the multitude;" but in fact there was a very important one, for the former term brought into prominence the relation of dependence on a member of the politically privileged class; the latter suggested merely the want of political rights. As the sense of a special dependence became less, that of a political inferiority forced itself on the thoughts of the free *metœci;* and it was only the sovereignty of the king ruling equally over all that prevented the outbreak of political conflict between the privileged and the non-privileged classes of the community.

The Servian consitution.

The first step, however, towards the amalgamation of the two portions of the people scarcely took place in the revolutionary way which their antagonism appeared to foreshadow. The reform of the constitution, which bears the name of King Servius Tullius, is indeed, as to its historical origin, involved in the same darkness with all the events of a period, respecting which we learn whatever we know, not by means of historical tradition, but solely by means of inference from the institutions of later times. But its character testifies that it cannot have been a change demanded by the plebeians, for the new constitution assigned to them

duties alone, and not rights. It must have rather owed its origin either to the wisdom of one of the Roman kings, or to the urgent desire of the burgesses that they should no longer be exclusively liable to military service, and that the non-burgesses also should contribute to the levy. By the Servian constitution the duty of service and the obligation connected with it of making advances to the state in case of need (the *tributum*), instead of being imposed on the burgesses as such, were laid upon the possessors of land, the "domiciled" or "freeholders" (*adsidui*), or the "wealthy" (*locupletes*), whether they were burgesses or merely *metœci;* service in the army was changed from a personal burden into a burden on property. The details of the arrangement were as follows:

Every freeholder, from the seventeenth to the sixtieth year of his age, was under obligation of service, including children in the household of fathers who were freeholders, without distinction of birth; so that even the emancipated slave had to serve, who in an exceptional case had come into possession of landed property. We do not know how the strangers who held landed property in Rome were dealt with; probably there existed a regulation, according to which no foreigner was allowed to acquire land in Rome unless he actually transferred his residence thither, and took his place among the *metœci* there, that is, among those bound to serve in war. The body of men liable to serve was distributed according to the size of their portions of land into five "summonings" (*classes*, from *calare*). Of these, however, only those liable under the first summoning, or those in possession of an entire hide* of land, were obliged to appear in com-

* [*Hufe*, hide, as much as can be properly tilled with one plough, called in Scotland a plough-gate.]

As to the question, whether the assessments of the Servian census were originally reckoned in money or landed property, we may observe:

(1) Our information regarding it is derived from the scheme of the census preserved in the archives of the censors, the *censoria tabula* (Cic. *Orat.* xlvi. 156), or the *Descriptio classium quam fecit Servius Tullius* (Fest. *s. v. procum.* p. 249, Müll.). This scheme of course presented the Servian constitution as it stood in the last period of its practical application, and therefore with all the modifications which the course of time had introduced. As to the original arrangements we have no evidence; for the statement of the later writers, who in accordance with their usual custom attribute that scheme to Servius Tullius, has no claim to authority.

(2) It is unnecessary to dwell on the intrinsic improbability, that in an agricultural state like the Roman, and in a country where the growth of

plete armour, and in that point of view were pre-eminently regarded as "those summoned to war-service" (*classici*). The four following ranks of smaller land-holders, the possessors respectively of three fourths, of a half, of a quarter, or of an eighth of a normal farm, were required to fulfil service, but not to equip themselves in complete armour. As the land happened to be at that time apportioned, almost the half of the farms were entire hides, while each of the classes possessing respectively three fourths, the half, and the quarter of a hide, amounted to scarcely an eighth of the freeholders, and those again holding an eighth of a hide amounted to fully an eighth of the whole number. It was accordingly laid down

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money was so slow and difficult, the civil organization would be based upon a purely monetary rating. But it is of importance to note that, as Boeckh in particular has most fully shown in his *Metrologische Untersuchungen*, the sums specified are for so early a period much too high. 100,000 heavy asses or pounds of copper, according to my investigations, = 400 Roman pounds of silver, or about 1050*l.*, is an incredible rating for a full burgess at a time when an ox was valued at 100 asses, = 1*l.* 1*s.* Boeckh's hypothesis that the assessments are to be understood as referring to the lighter as (an hypothesis, by-the-way, which rests on the same basis as mine, viz., that the scheme before us is that of the later, and not that of the original census) has of necessity been abandoned, for there are positive proofs that the sums of the census as given by tradition, were reckoned by the heavy as equal to the sestertius. Nothing remains but to assume that the assessments were originally reckoned in land, and were converted into money at a time when landed property had already attained a high money-value.

(3) Landed property, as is well known, formed the qualification for the *tribus rusticæ* all along, and for the *tribus urbanæ* down to the censorship of
311. Appius Claudius in 442. In my work on the Roman Tribes, I have proved that the centuries and classes proceeded from the tribes, and therefore (setting aside the additional centuries of *liticines*, &c.) the qualification of a *tribulis* supplied the basis for the proportional arrangement of the classes.

(4) A direct and in the highest sense trustworthy testimony is furnished by the Twelve Tables in the enactment: *adsiduo* [*civi*] *vindex adsiduus esto; proletario civi qui volet vindex esto.* The *proletarius* was the *capite census* (Fest. *v. proletarium*, Cic. *de Rep.* ii. 22), that is, the burgess not included within the five classes; *adsiduus*, on the other hand, denoted any burgess belonging to the five classes (Charisius, p. 58, *ed.* Patsch, p. 75, *ed.* Keil, comp. Gell. xix. 8, 15: *classicus adsiduusque, non proletarius*) as indeed necessarily follows from their being contrasted. Now *adsiduus*, as a comparison between it and *residuus*, *dividuus*, &c., incontestably shows, is precisely identical in signification with the German *ansässig* ("settled on the soil," "permanently domiciled"); and the same holds true of *locuples*, which is put by the ancients as synonymous with *adsiduus* (Gell. xvi. 10, 15). Compare, moreover, the passage in Livy, xlv. 15; *eos, qui prædium prædiave rustica pluris H.S. xxx. millium haberent censendi jus factum est;* a formula in which, in my opinion, a full indication has been preserved of the nature of the so-called Servian assessments.

as a rule that, in the case of the infantry, the levy should be in the proportion of eighty holders of an entire hide, twenty from each of the three next classes, and twenty-eight from the last.

While political distinctions were disregarded as concerned the infantry, it was otherwise with the formation of the cavalry. The existing burgess-cavalry was retained, but a troop twice as strong was added to it, which consisted entirely, or at any rate for the most part, of non-burgesses. The reason for this deviation is probably to be sought in the fact that at that period the divisions of infantry were embodied anew for each campaign, and discharged on their return home, whereas in the cavalry horses as well as men were, on military grounds, kept together also in time of peace, and held their regular drills, which were perpetuated as festivals of the Roman equites down to the latest times.* Thus it happened that, even under this organization which in other instances disregarded on principle the distinction between burgess and non-burgess, the first third of the equestrian centuries remained exclusively composed of burgesses: military and not political reasons occasioned this anomaly. They chose for the cavalry the most opulent and considerable landholders among burgesses and non-burgesses; and at an early period, perhaps from the very first, a certain measure of land seems to have been regarded as involving an obligation to serve in the cavalry. Along with these, however, there existed a number of free places in the ranks, as the unmarried women, the boys under age, and the old men without children, who had land, were bound instead of personal service to provide horses for particular troopers (each trooper had two), and to furnish them with fodder. There was one horseman in all to nine foot-soldiers; but, in actual service, the horsemen were used more sparingly. The class of non-freeholders ("children-begetters," *proletarii*) had to supply workmen and musicians for the army, as well as a number of substitutes (*adcensi*, supernumeraries) who marched with the army unarmed (*velati*), and, when vacancies occurred, took their places in the ranks, equipped with the armour of the sick or of the fallen.

To facilitate the levying of the infantry, the city and its Levy districts.

* For the same reason, when the levy was enlarged after the admission of the Hill-Romans, the equites were doubled, while in the infantry-force, instead of the single "gathering" (*legio*), two legions were called out (p. 88).

precincts were distributed into four "parts" (*tribus*), a measure by which the old triple division was superseded, at least so far as concerned its local significance. These were the Palatine, which comprehended the height of that name along with the Velia; the Suburan to which the street so named, the Carinæ, and the Cælian belonged; the Esquiline; and the Colline, formed by the Quirinal and Viminal, the "hills" as contrasted with the "mounts" of the Capitol and Palatine. We have already spoken of the formation of these regions, and shown how they originated out of the ancient double city of the Palatine and the Quirinal. Beyond the walls each region must have included the land-district adjacent to it, for Ostia was reckoned in the Palatine region. That the four regions were nearly on an equality in point of numbers is evident from their contributing equally to the levy. This division, which had primarily reference to the soil alone, and applied only inferentially to those who possessed it, was merely for administrative purposes; and no religious significance in particular ever attached to it, for the fact that in every city-district there were six chapels of the enigmatical Argei, no more confers upon them the character of ritual districts than the erection of an altar to the Lares in each street implies such a character in the streets.

Each of these four levy-districts had to furnish the fourth part not only of the force as a whole, but of each of its military subdivisions, so that each legion and each century numbered an equal proportion of conscripts from each region; evidently for the purpose of merging all distinctions of a gentile and local nature in the one common levy of the community, and above all of blending, through the powerful levelling influence of the military spirit, the *metœci* and the burgesses into one people.

Organization of the army.

In a military view, the male population capable of bearing arms was divided into a first and second levy, the former of which, the "juniors" from the commencement of the seventeenth to the completion of the forty-sixth year, were especially employed for service in the field, while the "seniors" guarded the walls at home. The military unit in the infantry continued as formerly to be the legion (P. 78), a phalanx, arranged and armed exactly in the old Doric style, of three thousand men, who, six file deep, formed a front of five hundred heavy-armed soldiers; to which were attached twelve hundred "unarmed" (*velites*, see P. 78). The four

first ranks of each phalanx were formed by the full-armed hoplites of the first class, the holders of an entire hide; in the fifth and sixth were placed the less completely equipped farmers of the second and third class; the two last classes were annexed as rear ranks to the phalanx, or fought alongside as light-armed troops. Provision was made for readily supplying the accidental gaps, which were so injurious to the phalanx. Thus there served in each legion forty-two centuries or 4200 men, of whom 3000 were hoplites, 2000 from the first class, 500 from each of the two next in order, and 1200 light-armed, of whom 500 belonged to the fourth and 700 to the fifth class; each levy district furnished for every legion 1050, and for every century 25 men. In ordinary cases two legions took the field, while two others did garrison duty at home. The normal amount accordingly of the infantry reached four legions, or 16,800 men, eighty centuries from the first class, twenty from each of the three following, and twenty-eight from the last class; not taking into account the two centuries of substitutes or those of the workmen and the musicians. To all these fell to be added the cavalry, which consisted of 1800 horse, a third of which remained reserved to the old burgesses; on taking the field, however, only three centuries were usually assigned to each legion. The normal amount of the Roman army, of the first and second levy, rose accordingly to close upon 20,000 men; which number must beyond doubt have corresponded to the effective strength of the serviceable population of Rome, as it stood at the time when the new organization was introduced. As the population increased, the number of centuries was not augmented, but the several divisions were strengthened by supernumeraries, without altogether losing sight, however, of the fundamental number. Indeed the Roman corporations in general, strictly closed as to numbers, very frequently evaded the limits imposed upon them by admitting supernumerary members.

Census.

This new organization of the army was accompanied by a more careful supervision of landed property on the part of the state. It was now either enacted for the first time, or, if not, at any rate ordained more precisely, that a land-register should be established, in which the several proprietors of land should have their fields with all their appurtenances, servitudes, slaves, beasts of draught and of burden duly recorded. Every act of alienation, which did not take

place publicly and before witnesses, was declared null; and a revision of the register of landed property, which was at the same time the levy-roll, was directed to be made every fourth year. The *mancipatio* and the census thus arose out of the Servian military organization.

Political effects of the Servian military organization.

It is evident at a glance that this whole institution was originally of a military nature. In the whole detailed scheme we do not encounter a single feature which points to any destination of the centuries to other than purely military purposes; and this alone must, with every one accustomed to think regarding such things, form a sufficient reason for pronouncing its application to political purposes a later innovation. The regulation also, by which every one who had passed his sixtieth year was excluded from the centuries, becomes absolutely absurd, if they were intended from the first to form a representation of the burgess-community similar to and parallel with the curies. Although, however, the organization of the centuries was introduced merely to enlarge the warlike resources of the burgesses by the inclusion of the *metœci*, and there is therefore no greater perversion than to represent that organization as the introduction of a timocracy in Rome, the new obligation imposed upon the inhabitants to bear arms exercised in its consequences a material influence on their political position. He who is obliged to become a soldier, must also, wherever the state is not rotten, have it in his power, to become an officer; beyond question plebeians also could now be nominated in Rome as centurions and as military tribunes, and by that step admission even to the senate (to which, besides, there was no obstacle *de jure*, P. 71), was probably *de facto* thrown open; this of course by no means involved admission into the burgess-body.* Although, moreover, the institution of the centuries was not intended to curtail the political privileges exclusively possessed by the burgesses as hitherto represented in the curies, yet it was inevitable that those rights, which the burgesses hitherto had exercised, not as the assembly of curies, but as the burgess-levy, should pass to the new centuries of burgesses and *metœci*. Henceforward, accordingly, it was the centuries who interposed

* Accordingly the antiquaries of the Empire assert that the Octavii of Velitræ were admitted by the elder Tarquin into the senate, while they were only received into the burgess-body under his successor (Sueton. *Octav.* 2).

their authority to the testaments of soldiers made before battle (P. 82), and whose consent the king had to ask before beginning an aggressive war (P. 83). It is important, on account of the subsequent course of development, to note these first indications of the centuries taking part in public affairs; but the centuries came to acquire such rights at first more in the way of natural sequence than of direct design, and subsequently to the Servian reform as before it the assembly of the curies was regarded as the proper burgess-community, whose homage bound the whole people in allegiance to the king. By the side of these full-burgesses stood the clients having freeholds, or, as they were afterwards called, the "burgesses without right of voting" (*cives sine suffragio*), who participated in public burdens, the service of the army, tribute, and taskwork (hence *municipes*); but they ceased to pay protection-money, which was thenceforth paid only by the *metœci* who were beyond the pale of the tribes, that is, who were non-freeholders (*ærarii*).

In this way, while hitherto there had been distinguished only two classes of members of the community, burgesses and clients, there were now established three political classes of active, passive, and protected members respectively; categories which exercised a dominant influence over the constitutional law of Rome for many centuries.

Time and occasion of the reform.

When and how this new military organization of the Roman community came into existence, can only be conjectured. It presupposes the existence of the four regions; in other words, the Servian wall must have been erected before the reform took place.* But the territory of the city must also have considerably exceeded its original limits, when it could furnish 8000 holders of entire hides of land and as many who held lesser portions, or sons of such holders, and in addition a number of larger landholders and their sons. We are not acquainted with the superficial extent of the normal Roman farm; but it is scarcely possible to estimate it as under twenty *jugera*.* If we reckon

* Even about 480, allotments of land of seven *jugera* appeared to those that received them small (Val. Max. iv. 3, 5; Colum. 1 *præf.* xiv. 1, 3, 11; Plin. *N. H.* xviii. 3, 18; fourteen jugera, Victor, xxxiii.; Plutarch, *Apophth. Reg. et Imp.* p. 235 Dübner, in accordance with which Plutarch, *Crass.* ii. is to be corrected). 273.

A comparison of the Germanic proportions gives the same result. The jugerum and the morgen (nearly ⅔ of an English acre), both originally

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as a minimum 10,000 full hides, this would imply a superficies of 190 square miles of arable land; and on this calculation, if we make a very moderate allowance for pasture and the space occupied by houses and downs, the territory, at the period when this reform was carried out, must have had at least an extent of 420 square miles, probably an extent still more considerable. If we follow tradition, we must assume even a number of 84,000 burgesses freeholders and capable of bearing arms; for such, we are told, were the numbers ascertained by Servius at the first census. A glance at the map, however, shows that this number must be fabulous; it is not even a genuine tradition, but a conjectural calculation, proceeding apparently on the fact that the 16,800 capable of bearing arms, who constituted the normal strength of the infantry, will yield, on an average of five persons to each family, the number of 84,000 free burgesses active and passive. But even according to the more moderate positions laid down above, with a territory of some 16,000 hides containing a population of nearly 20,000 capable of bearing arms, and at least three times that number of women, children, and old men, persons who had no land, and slaves, it is necessary to assume not merely that the region between the Tiber and Anio had been acquired, but that the Alban territory had also been conquered, before the Servian constitution was established; a result with which tradition agrees. What were the numerical proportions of patricians and plebeians originally in the army, cannot be ascertained; we cannot draw any inference from the case of the cavalry, for, while it was a settled point that no plebeian might serve in the first six centuries, it is not equally clear that no patrician might serve in the twelve lesser.

Upon the whole it is plain that this Servian constitution did not originate in a conflict between the orders; on the contrary, it bears on it the stamp of a reforming legislator

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measures rather of labour than of surface, may be looked upon as originally identical. As the German hide consisted ordinarily of 30, but not unfrequently of 20 or 40 morgen, and the homestead frequently, at least among the Anglo-Saxons, amounted to a tenth of the hide, it will appear, taking into account the diversity of climate and the size of the Roman heredium of 2 jugera, that the hypothesis of a Roman hide of 20 jugera is not unsuitable to the circumstances of the case. It is, indeed, much to be regretted that on this very point tradition leaves us without information.

like the constitutions of Lycurgus, Solon, and Zaleucus; and it has evidently been produced under Greek influence. Particular analogies may be deceptive, such as the coincidence already noticed by the ancients, that in Corinth also widows and orphans were charged with the provision of horses for the cavalry; but the adoption of the armour and arrangements of the Greek hoplite system was certainly no accidental coincidence. Now if we consider the fact that it was in the second century of the city that the Greek states in Lower Italy advanced from the pure clan-constitution to a modified one, which placed the preponderance in the hands of the landholders, we shall recognize in that movement the impulse which called forth in Rome the Servian reform, a change of constitution resting in the main on the same fundamental idea, and only directed into a somewhat different course by the strictly monarchical form of the Roman state.*

* The analogy also between the so-called Servian constitution and the treatment of the Attic *metœci* deserves to be particularly noticed. Athens, like Rome, opened her gates at a comparatively early period to *metœci*, and afterwards summoned them also to share the burdens of the state. We cannot suppose that any direct connection existed in this instance between Athens and Rome; but the coincidence serves all the more distinctly to show how the same causes—urban centralization and urban development—everywhere and of necessity produce similar effects.

CHAPTER VII.

THE HEGEMONY OF ROME IN LATIUM.

Extension of the Roman territory.

THE brave and impassioned Italian race doubtless never lacked occasion for feuds among themselves and with their neighbours: as the country flourished and civilization advanced, feuds must have become gradually changed into wars, and raids for pillage into regular conquests, and political powers must have begun to assume shape. No Italian Homer, however, has preserved for us a picture of these earliest frays and plundering excursions, in which the character of nations is moulded and expressed, like the mind of the man in the sports and enterprises of the boy; nor does historical tradition enable us to form a judgment, with even approximate accuracy, as to the outward development of power and comparative resources in the several cantons of Latium. It is only in the case of Rome, at the utmost, that we can trace in some degree the extension of its power and of its territory. The earliest demonstrable boundaries of the united Roman community have been already stated (P. 48); in the landward direction they were on an average just about five miles distant from the capital of the canton, and it was only toward the coast that they extended as far as the mouth of the Tiber (*Ostia*), at a distance of somewhat more than fourteen miles from Rome. "Larger and smaller tribes," says Strabo, in his description of the primitive Rome, "surrounded the new city, some of whom dwelt in independent villages, and were not subordinate to any national union." It seems to have been at the expense of these neighbours of kindred lineage in the first instance that the earliest extensions of the Roman territory took place.

The Latin communities situated on the upper Tiber and between the Tiber and the Anio, Antemnæ, Crustumerium, Ficulnea, Medullia, Cænina, Corniculum, Cameria, Collatia, were those which pressed most closely and sorely on Rome, and they appear to have forfeited their independence in very early times to the arms of the Romans. The only community that retained independence in this district in after times was Nomentum; which perhaps saved its freedom by alliance with Rome. The possession of Fidenæ, the *tête du pont* of the Etruscans on the left bank of the Tiber, was contested between the Latins and the Etruscans, in other words, between the Romans and Veientes, with varying result. The struggle with Gabii, which held the plain between the Anio and the Alban hills, was for a long period equally balanced: down to late times the Gabine dress was deemed synonymous with that of war, and Gabine ground the prototype of hostile soil.* By these conquests the Roman territory was probably extended to about 190 square miles. Another very early achievement of the Roman arms was preserved, although in a legendary dress, in the memory of posterity with greater vividness than those obsolete struggles: Alba, the ancient sacred metropolis of Latium, was conquered and destroyed by Roman troops. How the collision arose, and how it was decided, tradition does not tell: the battle of the three Roman with the three Alban brothers born at one birth, is nothing but a personification of the struggle between two powerful and closely related cantons, of which the Roman at least was triune. We know nothing at all beyond the naked fact of the subjugation and destruction of Alba by Rome.† Territory on the Anio. Alba.

* In like manner the formulæ of accursing for Gabii and Fidenæ are characteristic (Macrob. *Sat.* iii. 9). It cannot, however, be proved, and it is extremely improbable that, as respects these towns, there was an actual historical accursing of the ground on which they were built, such as really took place at Veii, Carthage, and Fregellæ. It may be conjectured that old accursing formularies were applied to those two hated towns, and were considered by later antiquaries as historical documents.

† There seems to be no good ground for the doubts, recently expressed in a quarter deserving of respect, as to the destruction of Alba having really been the act of Rome. It is true, indeed, that the account of the destruction of Alba is in its details a series of improbabilities and impossibilities; but that is true of every historical fact inwoven into legend. To the question as to the attitude of the rest of Latium in the struggle between Rome and Alba, we are unable to give an answer; but the question itself rests on a false assumption, for it is not proved that the constitution of the Latin league absolutely prohibited

It is not improbable, although wholly a matter of conjecture, that, at the same period when Rome was establishing herself on the Anio and on the Alban hills, Prænestе, which appears at a later date as mistress of eight neighbouring townships, Tibur, and others of the Latin communities were similarly occupied in enlarging the circle of their territory and laying the foundations of their subsequent far from inconsiderable power.

Treatment of the earliest acquisitions.

We feel the want of accurate information as to the legal character and legal effects of these early Latin conquests, still more than we miss the records of the wars in which they were won. Upon the whole it is not to be doubted that they were treated in accordance with the system of incorporation, out of which the tripartite community of Rome had arisen; excepting that the cantons, who were compelled by arms to enter the combination, did not, like the primitive three, preserve some sort of relative independence as separate regions in the new united community, but became so entirely merged in the general whole as to be no longer traced (P. 88). However far the power of a Latin canton might extend, in the earliest times it tolerated no political centre except the proper capital, and still less founded independent settlements, such as the Phœnicians and the Greeks established, thereby creating in their colonies clients for the time being and future rivals to the mother city. In this respect, the treatment which Ostia experienced from Rome deserves special notice: the Romans could not and did not wish to prevent the rise *de facto* of a town at that spot, but they allowed the place no political independence, and accordingly they did not bestow on those who settled there any local burgess-rights, but merely allowed them to retain, if they already possessed, the general burgess-rights of Rome.*

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a separate war between two Latin communities (p. 42). Still less is the fact that a number of Alban families were received into the burgess-union of Rome inconsistent with the destruction of Alba by the Romans. Why may there not have been a Roman party in Alba just as there was in Capua? The circumstance, however, of Rome claiming to be in a religious and political point of view the heir-at-law of Alba, may be regarded as decisive of the matter; for such a claim could not be based on the migration of individual clans to Rome, but could only be based, as it actually was, on the conquest of the town.

* Hence was developed the conception, in political law, of the maritime colony or colony of burgesses (*colonia civium Romanorum*), that is, of a com-

This principle also determined the fate of the weaker cantons, which by force of arms or by voluntary submission became subject to the stronger. The stronghold of the canton was razed, its domain was added to the domain of the conquerors, and a new home was instituted for the inhabitants as well as for their gods in the capital of the victorious canton. This, indeed, must not be understood absolutely to imply a formal transportation of the conquered inhabitants to the new capital, such as was the rule at the founding of cities in the East. The towns of Latium at this time can have been little more than the strongholds and weekly markets of the husbandmen: it was quite sufficient that the market and the seat of justice should be transferred to the new capital. That even the temples often remained at the old spot is shown in the instances of Alba and of Cænina, towns which must still after their destruction have retained some semblance of existence in connection with religion. Even when the strength of the place that was razed rendered it really necessary to remove the inhabitants, they would be frequently settled, with a view to the cultivation of the soil, in the open hamlets of their old domain. That the conquered, however, were not unfrequently compelled, either as a body or in part, to settle in their new capital, is proved, more satisfactorily than all the several stories from the legendary period of Latium could prove it, by the maxim of Roman state-law, that only he who had extended the boundaries of its territory was entitled to advance the wall of the city (the *pomerium*). The conquered, whether transferred or not, were of course, as a rule, compelled to accept the legal position of clients;* but particular individuals or gentes, also, probably had burgess-

munity separate in fact, but not independent or possessing a will of its own in law; a community which merged in the capital as the peculium of the son merged in the property of the father, and which as a standing garrison was exempt from serving in the legion.

* To this the enactment of the Twelve Tables undoubtedly has reference, *Nex[i mancipiique] forti sanatique idem jus esto*, that is, in dealings *privati juris* the "sound" and the "recovered" shall be on a footing of equality. The Latin allies cannot be here referred to, because their legal position was defined by federal treaties, and the law of the Twelve Tables treated only of the law of Rome. The *sanates* were the *Latini prisci cives Romani*, or in other words, the communities of Latium compelled by the Romans to enter the plebeiate.

rights, or, in other words, the patriciate conferred upon them. Even in the time of the empire the Alban clans were still recognized which were introduced among the burgesses of Rome after the fall of their native seat; amongst these were the Julii, Servilii, Quinctilii, Cloelii, Geganii, Curiatii, Metilii: the memory of their descent was preserved by their Alban family shrines, among which the sanctuary of the gens of the Julii at Bovillæ again rose, under the empire, into great repute.

This centralizing process, by which several small communities became absorbed in a larger one, of course was not an idea specially Roman. Not only did the development of Latium and of the Sabellian stocks hinge upon the distinction between national centralization and cantonal independence; the case was the same with the development of the Hellenes. Rome in Latium, and Athens in Attica, arose out of such an amalgamation of many cantons into one state; and the wise Thales suggested a similar fusion to the hard-pressed league of the Ionic cities as the only means of saving their nationality. But Rome adhered to this principle of unity with more consistency, earnestness, and success than any other Italian canton; and just as the prominent position of Athens in Hellas was the effect of her early centralization, so Rome was indebted for her greatness simply to the same system far more energetically applied.

The hegemony of Rome over Latium.

While the conquests of Rome in Latium may be mainly regarded, accordingly, as direct extensions of her territory and people presenting the same general features, a further and special significance attached to the conquest of Alba. It was not the problematical size and presumed riches of Alba that led tradition to assign a prominence so peculiar to its capture. Alba was regarded as the metropolis of the Latin confederacy, and had the right of presiding among the thirty communities that belonged to it. The destruction of Alba, of course, no more dissolved the league itself than the destruction of Thebes dissolved the Bœotian confederacy;* on the

* The community of Bovillæ appears even to have been formed out of part of the Alban domain, and to have been admitted in room of Alba among the autonomous Latin towns. Its Alban origin is attested by its having been the seat of worship for the Julian *gens*, and by the name *Albani Longani Bovillenses* (Orelli—Henzen. 119, 2252, 6019); its autonomy by Dionysius v. 61 and Cicero *pro Planco*. ix. 23.

contrary, in entire consistency with the strict application of the *jus privatum* which was characteristic of the Latin laws of war, Rome now claimed the presidency of the league as the heir-at-law of Alba. What sort of crisis preceded or followed the acknowledgment of this claim, or whether any crisis at all, we cannot tell. Upon the whole, the hegemony of Rome over Latium appears to have been speedily and generally recognized, although particular communities, such as Labici, and above all Gabii, may for a time have declined to own it. Even at that time Rome was probably a maritime power as opposed to the Latin "land," a city as opposed to the Latin villages, and a single state as opposed to the Latin confederacy; even at that time it was only in conjunction with and by means of Rome that the Latins could defend their coasts against Carthaginians, Hellenes, and Etruscans, and maintain and extend their landward frontier in opposition to their restless neighbours of the Sabellian stock. Whether the accession to her material resources which Rome obtained by the subjugation of Alba was greater than the increase of her power by the capture of Antemnæ or Collatia, cannot be ascertained: it is quite possible that it was not by the conquest of Alba that Rome was first constituted the most powerful community in Latium; she may have been so long before; but she did gain in consequence of that event the right to preside at the Latin festival, a right which was the basis of the future hegemony of the community of Rome over the whole Latin confederacy. It is important to indicate as definitely as possible the nature of a relation so influential.

Relation of Rome to Latium.

The form of the Roman hegemony over Latium was, in general, that of an alliance on equal terms between the Roman community on the one hand and the Latin confederacy on the other, establishing a perpetual peace throughout the whole domain, and a perpetual league for offence and defence. "There shall be peace between the Romans and all communities of the Latins, as long as heaven and earth endure; they shall not wage war with each other, nor call enemies into the land, nor grant passage to enemies: help shall be rendered by all in concert to any community assailed, and whatever is won in joint warfare shall be equally distributed." The stipulation that there should be equality of rights in trade and exchange, in commercial credit and in the law of inheritance, tended, by the manifold rela-

tions of commercial intercourse to which it led, still further to interweave the interests of communities already connected by the ties of similar language and manners, and in this way produced an effect somewhat similar to that of the abolition of customs-restrictions in our own day. Each community certainly retained, in form, its own law: down to the time of the federal war Latin law was not necessarily identical with Roman: we find, for example, that the enforcing of betrothal by action at law, which was abolished at an early period in Rome, continued to subsist in the Latin communities. But the simple and purely national development of Latin law, and the endeavour to maintain as far as possible uniformity of rights, led at length to the result, that the law of private relations was in matter and form substantially the same throughout all Latium. This uniformity of rights comes very distinctly into view in the principle laid down regarding the loss and recovery of freedom on the part of the individual burgess. According to an ancient and venerable maxim of law among the Latin stock no burgess could become a slave in the state wherein he had been free, or suffer the loss of his burgess-rights while he remained within it: if he was to be punished with the loss of freedom and of burgess-rights (which was the same thing), it was necessary that he should be expelled from the state, and should enter on the condition of slavery among strangers. This maxim of law was now extended to the whole territory of the league; no member of any of the federal states might live as a slave within the bounds of the league. Applications of this principle are seen in the enactment embodied in the Twelve Tables, that the insolvent debtor, in the event of his creditor wishing to sell him, must be sold beyond the boundary of the Tiber, in other words, beyond the territory of the league; and in the clause of the second treaty between Rome and Carthage, that an ally of Rome who might be taken prisoner by the Carthaginians should be free so soon as he entered a Roman seaport. It has already (P. 42) been indicated as probable that the covenanted uniformity of rights also included intercommunion of marriage, and that every full burgess of a Latin community could conclude a legitimate marriage with any Latin woman of equal standing. Each Latin could of course only exercise political rights where he was enrolled as a burgess; but, on the other hand, it was implied in an equality of private rights, that any Lat

could take up his abode in any place within the Latin bounds; or, to use the phraseology of the present day, there existed, side by side with the special burgess-rights of the individual communities, a general right of settlement co-extensive with the confederacy. It is easy to understand how this should have turned substantially to the advantage of the capital, which alone in Latium offered the means of urban intercourse, urban acquisition, and urban enjoyments, and how the number of *metœci* in Rome should have increased with remarkable rapidity, after the Latin land came to live in perpetual peace with Rome.

The constitution and administration of the several communities not only remained independent and sovereign, in so far as their federal obligations were not concerned, but, what was of more importance, the league of the thirty communities retained its autonomy as distinguished from Rome. When we are assured that the position of Alba towards the federal communities was a position superior to that of Rome, and that on the fall of Alba these communities attained autonomy, this may indeed have been the case, in so far as Alba was essentially a member of the league, while Rome from the first had rather the position of a separate state confronting the league than of a member included in it; but just as the states of the confederation of the Rhine were formally sovereign, while those of the German empire had a master, the presidency of Alba probably was in reality an honorary right (P. 43) like that of the German emperors, the protectorate of Rome was probably from the first a supremacy like that of Napoleon. In fact Alba appears to have exercised the right of presiding in the federal council, while Rome allowed the Latin deputies to hold their consultations by themselves, under the presidency, as it appears, of an officer selected from their own number, and contented herself with the honorary presidency at the federal festival where sacrifice was offered for Rome and Latium, and with the erection of a second federal sanctuary in Rome, the temple of Diana on the Aventine, so that thenceforth sacrifice was offered on the one hand on Roman soil for Rome and Latium, on the other on Latin soil for Latium and Rome. With equal deference to the interests of the league, the Romans in the treaty with Latium bound themselves not to enter into a separate alliance with any Latin community—a stipulation which very clearly reveals the apprehensions

not without reason felt by the confederacy with reference to the powerful community at their head. The position of Rome not so much within as alongside of Latium, and the footing of formal equality subsisting between the city on the one side and the confederacy on the other, are most clearly discernible in their military system. The federal army was composed, as the later mode of making the levy incontrovertibly shows, of a Roman and a Latin force of equal strength. The supreme command was to alternate between Rome and Latium, and on those years only when Rome appointed the commander the Latin contingent was to appear before the gates of Rome, and to salute at the gate by acclamation the elected commander as its general, when once the Romans commissioned by the Latin federal council to take the auspices had assured themselves of the satisfaction of the gods with the choice that had been made. In like manner the land and other property acquired in the wars of the league were equally divided between Rome and Latium. While thus in all internal relations the most complete equality of rights and duties was adhered to with jealous strictness, the Romano-Latin federation can hardly have been at this period represented in its external relations merely by Rome. The treaty of alliance did not prohibit either Rome or Latium from undertaking an aggressive war on their own behoof; and if a war was waged by the league, whether pursuant to a resolution of its own or in consequence of a hostile attack, the Latin federal council must have had a right to take part in the conduct as well as in the termination of the war. Practically indeed Rome in all probability possessed the hegemony even then, for wherever a single state and a federation enter into permanent connections with each other, the preponderance usually falls to the side of the former.

Extension of the Roman territory after the fall of Alba

The steps by which after the fall of Alba Rome, now mistress of a territory comparatively considerable, and, we may venture to say, the leading power in the Latin confederacy, extended still further her direct and indirect dominion, can no longer be traced. There were numerous feuds with the Etruscans and the Veientes, chiefly respecting the possession of Fidenæ; but it does not appear that the Romans were successful in acquiring permanent mastery over that Etruscan outpost, which was situated on the Latin bank of the river not much more than five miles from Rome, or in expelling the

Veientes from that formidable basis of offensive operations. On the other hand they maintained apparently undisputed possession of the Janiculum and of both banks of the mouth of the Tiber. As regards the Sabines and Æqui Rome appears in a more advantageous position; the connection afterwards drawn so close with the more distant Hernici must have had at least its beginnings under the monarchy, and the united Latins and Hernici enclosed on two sides and kept down their eastern neighbours. On the south frontier, however, the territory of the Rutuli (and still more that of the Volsci) was the scene of perpetual wars. In this direction took place the earliest extension of the Latin land, and it is here that we first encounter those communities founded by Rome and Latium on the enemy's soil, and constituted as autonomous members of the Latin confederacy, the Latin colonies as they were called, the oldest of which appear to reach back to the regal period. How far, however, the territory reduced under the power of the Romans extended at the close of the monarchy can by no means be determined. Of feuds with the neighbouring Latin and Volscian communities the Roman annals of the regal period recount more than enough; but at the utmost a few detached notices, such as that perhaps of the capture of Suessa in the Pomptine plain, can be held to contain a nucleus of historical fact. That the regal period laid not only the political foundations of Rome, but the foundations also of her external power, cannot be doubted; the position of the city of Rome as rather contradistinguished from than forming part of the league of Latin states is already decidedly marked at the beginning of the Republic, and enables us to perceive that an energetic development of external power must have taken place in Rome during the times of the kings. Successes certainly of no ordinary character have thus passed into oblivion; but the splendour of them lingers over the regal period of Rome, especially over the royal house of the Tarquinii, like a distant evening twilight in which outlines disappear.

Extensión of the city of Rome.

While the Latin stock was thus becoming united under the leadership of Rome, and was at the same time extending its territory on the east and south, Rome herself, by the favour of fortune and the energy of her citizens, had become converted from a stirring commercial and agricultural town into the powerful capital of a flourishing province. The remodelling of the Roman military system, and the

political reform of which it contained the germ, known to us by the name of the Servian constitution, stand in intimate connection with this inward change in the character of the Roman community. But externally also the character of the city cannot but have changed with the influx of ampler resources, with the rising requirements of its position, and with the extension of its political horizon. The amalgamation of the adjoining community on the Quirinal with that on the Palatine must have been already accomplished when the Servian reform, as it is called, took place; and when that reform had united and consolidated the military strength of the community, the burgesses could no longer rest content with the entrenching of the several hills, as one after another they were filled with buildings, and with keeping perhaps the island in the Tiber and the height on the opposite bank occupied so that they might command the river. The capital of Latium required another and more complete system of defence; and accordingly they proceeded to construct the Servian wall. The new continuous city-wall began at the river below the Aventine, and included that hill, on which there have been brought to light quite recently (1855) at two different places, the one on the western slope towards the river, the other on the opposite eastern slope, colossal remains of those primitive fortifications. The portions of wall thus discovered are as high as those of Alatri and Ferentino, built of large square hewn blocks of tufa in layers of unequal height, and have risen as it were from the tomb to testify to the might of a national spirit as imperishable as the rock-walls which it built, and in its continued influence more lasting even than they are. The ring-wall further embraced the Cælian, and the whole space of the Esquiline, Viminal, and Quirinal, where a large earthen rampart, imposing even at the present day, supplied the want of a natural slope. From thence it ran to the Capitoline, the steep declivity of which towards the Campus Martius served as part of the city wall, and it again abutted on the river above the island in the Tiber. The Tiber island, with the bridge of piles and the Janiculum, did not belong strictly to the city, but the latter height was probably a fortified outwork. Hitherto the Palatine had been the stronghold, but now that hill was left open to be built upon by the growing city; and on the other hand upon the Tarpeian Hill, free on every side, and from its moderate extent easily

defensible, there was constructed the new "stronghold" (*arx, capitolium**), containing the stronghold-spring, the carefully enclosed "well-house" (*tullianum*), the treasury (*ærarium*), the prison, and the most ancient place of assembling for the burgesses (*area Capitolina*), where still in after times the regular announcements of the changes of the moon continued to be made. Private residences of a permanent character on the other hand were not permitted in earlier times on the stronghold hill;† and the space between the two summits of the hill, the sanctuary of the evil god (*Ve-Diovis*), or as it was termed in the later Hellenizing epoch, the Asylum, was covered with wood, and probably intended for the reception of the husbandmen and their herds, when inundations or war drove them from the plain. The Capitol was in reality as well as in name the Acropolis of Rome, an independent castle capable of being defended even after the city should have fallen: its gate was probably placed towards what was afterwards the Forum.‡ The Aventine seems to have been fortified in a similar style, although less strongly, and to have been preserved free from permanent occupation by settlement. With this is connected the fact, that for purposes strictly urban, such as the distribution of the introduced water, the inhabitants of Rome were divided into the inhabitants of the city proper (*montani*), and the guilds of the Capitoline and Aventine districts.§ The space enclosed

* Both names, although afterwards employed as proper names of locality (*capitolium* being applied to the summit of the stronghold hill that lay next to the river, *arx* to that next to the Quirinal), were originally appellatives, corresponding exactly to the Greek ἄκρα and κορυφή; every Latin town had its *capitolium* as well as Rome. The proper local name of the Roman stronghold hill was *Mons Tarpeius*.

† The enactment *ne quis patricius in arce aut capitolio habitaret* probably prohibited only buildings of stone, which apparently were often constructed in the style of fortresses, not ordinary and easily removable dwelling-houses. Comp. Becker, *Top.* p. 386.

‡ For the chief thoroughfare, the *Via Sacra*, led from that quarter to the stronghold; and the bending in towards the gate may still be clearly recognized in the turn which it makes to the left at the arch of Severus. The gate itself must have disappeared under the huge structures which were raised in after ages on the Clivus. The so-called gate at the steepest part of the Capitoline Mount, which is known by the name Janualis, or Saturnia, or the "open," and which had to stand always open in time of war, evidently had merely a religious significance, and never was a real gate.

§ Three such guilds are mentioned (1) the *Capitolini* (Cicero, *ad Q. fr.* ii. 5, 2), with *magistri* of their own (Henzen, 6010, 6011), and annual games (Liv. v. 50; Preller, *Myth.* p. 202); (2) the *Mercuriales* (Liv. ii. 27;

by the new city wall thus embraced, in addition to the former Palatine and Quirinal cities, the two city-strongholds of the Capitol and the Aventine;* the Palatine, as the oldest city proper, was enclosed by the other heights along which the wall was carried, as if encircled with a wreath, and the two castles occupied the middle.

Their work, however, was not complete so long as the ground, protected by so laborious exertions from outward foes, was not also reclaimed from the dominion of the water, which permanently occupied the valley between the Palatine and the Capitol, so that there was a regular ferry there, and which converted the valleys between the Capitol and the Velia and between the Palatine and the Aventine into marshes. The subterranean drains still existing at the present day, composed of magnificent square blocks, which

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Cicero, *l. c.*; Preller, *Myth.* p. 597) also with their *magistri* (Henzen, 6010), the guild of the valley of the Circus, where the temple of Mercury stood; (3) the *pagani Aventinenses* also with *magistri* (Henzen, 6010). It is certainly not accidental that these three guilds, the only ones of the sort that occur in Rome, belong to the Capitol and the Aventine, the very two hills excluded from the four local tribes, but enclosed by the Servian wall; and connected with this is the further fact that the expression *montani paganive* is employed as a designation of the whole inhabitants in connection with the city (Comp. besides the well-known passage Cic. *de Domo.* xxviii. 74, especially the law as to the supplies of water to the city in Festus, *v. sifus*, p. 340; [*mon*]*tani paganive si*[*fis aquam dividunto*]). The *montani*, properly the inhabitants of the three regions of the Palatine town (p. 56), appear to be put here *a potiori* for the whole population of the four regions of the city proper. The *pagani* are, undoubtedly, the guilds of the Capitol and Aventine not included in the tribes.

* The Servian Rome, however, never looked upon itself as the "City of the Seven Hills;" on the contrary, that name in the best ages of Rome denoted exclusively the narrower old Rome of the Palatine (p. 52). It was not until the times of her decline, when the festival of the Septimontium, which was zealously retained and celebrated with great zest even under the empire, began to be erroneously regarded as a festival for the city generally, that ignorant writers sought for and accordingly found the Seven Mounts in the Rome of their own age. The germ of such a misunderstanding may be already discerned in the Greek riddles of Cicero, *ad Att.* vi. 5, 2, and in Plutarch, *Q. Rom.* 69; but the earliest authority that actually enumerates Seven Mounts (*montes*) of Rome is the description of the city of the age of Constantine the Great. It names as such the Palatine, Aventine, Cælian, Esquiline, Tarpeian, Vatican, Janiculum—where the Quirinal and Viminal are, evidently as *colles*, omitted, and in their stead two "*montes*" are introduced from the right bank of the Tiber. Other still later and quite confused lists are given by Servius (*ad Æn.* vi. 783), and Lydus (*de Mens.* p. 118, Bekker). The enumeration of the Seven Hills as commonly made in modern times, viz., Palatine, Aventine, Cælian, Esquiline, Viminal, Quirinal, Capitoline, is unknown in any ancient author.

excited the astonishment of posterity as a marvellous work of regal Rome, must rather be reckoned to belong to the following epoch, for travertine is the material employed, and we have many accounts of new structures of the kind in the times of the republic; but the scheme itself belongs beyond all doubt to the regal period, although to a later epoch probably than the designing of the Servian wall and the Capitoline stronghold. The spots thus drained or dried supplied large open spaces such as were required to meet the public wants of the newly enlarged city. The assembling-place of the community, which had hitherto been the Area Capitolina at the stronghold itself, was now transferred to the flat space, where the ground falls from the stronghold towards the city (*comitium*), and which stretches thence between the Palatine and the Carinæ, in the direction of the Velia. At that side of the *comitium* which adjoined the stronghold, and upon the wall which arose above the *comitium* in the fashion of a balcony, the members of the senate and the guests of the city had a place of honour assigned to them on occasions of festivals and assemblies of the people; and not far from this there soon came to be built a special Senate-house, which derived from its builder the name of the Curia Hostilia. The platform for the judgment-seat (*tribunal*), and the stage whence the burgesses were addressed (the later *rostra*), were erected on the *comitium* itself. Its prolongation in the direction of the Velia became the new market (*forum Romanum*). On the west side of the Forum, beneath the Palatine, rose the community-house, which included the official residence of the king (*regia*) and the common hearth of the city, the rotunda forming the temple of Vesta; at no great distance, on the south side of the Forum, there was a second round building erected connected with the former, the store-room of the community or temple of the Penates, which still stands at the present day as the porch of the church Santi Cosma e Damiano. It is a significant feature in the new city, now united in a way very different from the settlement of the "seven mounts," that, over and above the thirty hearths of the curies, which the Palatine Rome had been content with associating in one building, the Servian Rome presented such a single hearth for the city at large.* Along the two longer sides of the Forum butchers'

* Both the situation of the two temples, and the express testimony of Dionysius, ii. 65, that the temple of Vesta lay outside of the Roma quadrata,

shops and other traders' stalls were arranged. In the valley between the Palatine and Aventine a space was staked off for races; this became the Circus. The cattle-market was laid out immediately adjoining the river, and this soon became one of the most densely peopled quarters of Rome. Temples and sanctuaries arose on all the summits, above all the federal sanctuary of Diana on the Aventine (P. 111), and on the summit of the stronghold the far-seen temple of father Diovis, who had given to his people all this glory, and who now, when the Romans were triumphing over the surrounding nations, triumphed along with them over the subject gods of the vanquished.

The names of the men at whose bidding these great structures of the city arose are almost as completely lost in oblivion as those of the leaders in the earliest battles and victories of Rome. Tradition indeed assigns the different works to different kings—the Senate-house to Tullus Hostilius, the Janiculum and the wooden bridge to Ancus Marcius, the great Cloaca, the Circus, and the Temple of Jupiter to the elder Tarquinius, the temple of Diana and the ring-wall to Servius Tullius. Several of these statements may perhaps be correct; and it is apparently not the result of accident that the building of the new ring-wall is associated both as to date and author with the new organization of the army, which indeed bore special reference to the regular defence of the city walls. But upon the whole we must be content to learn from this tradition what is indeed from the nature of the case evident, that this second creation of Rome stood in intimate connection with the commencement of her hegemony over Latium, and with the remodelling of her burgess-army, and that while they originated in one and the same great conception, their execution was not the work either of a single man or of a single generation. It is impossible to doubt that Hellenic influences exercised a powerful effect on this remodelling of the character of the Roman community, but it is equally impossible to demonstrate the mode or the degree of their operation. It has

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prove that these structures were connected with the foundation not of the Palatine, but of the second (Servian) city. Posterity reckoned this *regia*, and the temple of Vesta as structures of Numa; but the cause which gave rise to that hypothesis is too manifest to allow of our attaching any weight to it.

already been observed that the Servian military constitution is essentially of an Hellenic type (P. 103); and it will be afterwards shown that the games of the circus were organized on an Hellenic model. The new *regia* also with the city-hearth was quite a Greek *prytaneion*, and the round temple of Vesta, looking towards the east, and not consecrated by the augurs, was constructed in no respect according to Italian, but wholly in accordance with Hellenic ritual. With these facts before us, the statement of tradition appears not at all incredible that the Ionian confederacy in Asia Minor to some extent served as a model for the Romano-Latin league, and that the new federal sanctuary on the Aventine was for that reason constructed in imitation of the Artemision at Ephesus.

CHAPTER VIII.

THE UMBRO-SABELLIAN STOCKS.—BEGINNINGS OF THE SAMNITES.

Umbro-Sabellian migration.

THE migration of the Umbrian stocks appears to have begun at a period later than that of the Latins. Like the Latin, it moved in a southerly direction, but it kept more in the centre of the peninsula, and towards the east coast. It is painful to speak of it; for our information regarding it comes to us like the sound of bells from a town that has been sunken in the sea. The Umbrian people extended, according to Herodotus, as far as the Alps, and it is not improbable that in very ancient times they occupied the whole of Northern Italy, to the point where the settlements of the Illyrian stocks began on the east, and those of the Ligurians on the west. As to the latter, there are traditions of their contests with the Umbrians, and we may perhaps draw an inference as to their extension in very early times towards the south from isolated names, such as that of the island of Ilva (Elba) compared with the Ligurian Ilvates. To this period of Umbrian greatness the evidently Italian names of the most ancient settlements in the valley of the Po, Hatria (black-town), and Spina (thorn-town), probably owe their origin, as well as the numerous traces of Umbrians in Southern Etruria (such as the river Umbro, Camars the old name of Clusium, Castrum Amerinum). Such indications of an Italian population having preceded the Etruscan especially occur in the most southern portion of Etruria, the district between the Ciminian forest (below Viterbo) and the Tiber. In Falerii, the Etrurian town nearest to the frontier of Umbria and the Sabine country, according to the testimony of Strabo, a language was spoken different from

the Etruscan, and recently inscriptions bearing out that statement have been brought to light there, the alphabet and language of which, while presenting points of contact with the Etruscan, exhibit a general resemblance to the Latin.* The local worship also presents traces of a Sabellian character; and a similar inference is suggested by the primitive relations subsisting in sacred as well as other matters between Cære and Rome. It is probable that the Etruscans seized those southern districts from the Umbrians at a period considerably subsequent to their occupation of the country on the north of the Ciminian forest, and that an Umbrian population maintained itself there even after the Tuscan conquest. In this fact we may probably discover the ultimate explanation of the surprising rapidity with which the southern portion of Etruria became Latinized, as compared with the tenacious retention of the Etruscan language and manners in northern Etruria, after the Roman conquest. That the Umbrians were after obstinate struggles driven back from the north and west into the narrow mountainous country between the two arms of the Apennines, which they subsequently held, is clearly indicated by the very fact of their geographical position, just as the position of the inhabitants of the Grisons and that of the Basques at the present day indicates the similar fate that has befallen them. Tradition also communicates information that the Tuscans deprived the Umbrians of three hundred towns; and, what is of more importance as evidence, in the national prayers of the Umbrian Iguvini, which we still possess, along with other stocks the Tuscans specially are cursed as public foes.

It was probably in consequence of this pressure exerted upon them from the north, that the Umbrians advanced towards the south, keeping in general upon the heights, because they found the plains already occupied by Latin stocks, but beyond doubt frequently making inroads and encroachments on the territory of the kindred race, and in-

* In the alphabet the *r* especially deserves notice, being of the Latin (R) and not of the Etruscan form (D), and also the *z* (I); it can only be derived from the primitive Latin, and must very faithfully represent it. The language likewise has close affinity with the oldest Latin; *Marci Acarcelini he cupa; i. e., Marcius Acarcelinius heic cubat: Menervâ A. Cotena La f. . . zenatuo senten . . dedet cuando . . cuncaptum, i. e., Minervæ A(ulus?) Cotena La(rtis) f(ilius) de senatus sententia dedit quando* (perhaps = *olim*) *conceptum.* At the same time with these and similar inscriptions there were found some other records in a different character and language, undoubtedly Etruscan.

termingling with them the more readily, that the distinction in language and habits could not have been at all so marked then as we find it afterwards. To the class of such inroads belongs the tradition of the entrance of the Reatini and Sabines into Latium and their contests with the Romans; similar phenomena were probably repeated all along the west coast. Upon the whole the Sabines maintained their footing in the mountains, as in the district bordering on Latium which has since been called by their name, and in the Volscian land; probably because the Latin population did not extend thither, or was less dense there, while on the other hand the well-peopled plains were better able to offer resistance to the invaders, although they were not in all cases able or desirous to prevent isolated bands from gaining a footing, such as the Tities and afterwards the Claudii in Rome (P. 46). In this way the stocks became mingled here and there, a state of things which serves to explain the numerous relations that subsisted between the Volscians and Latins, and how it happened that their district, as well as Sabina, afterwards became so speedily Latinized.

Samnites. The chief branch, however, of the Umbrian stock migrated eastward from Sabina, into the mountains of the Abruzzi, and the adjacent hill-country to the south of them. Here, as on the west coast, they occupied mountainous districts, whose thinly scattered population gave way before the immigrants or submitted to their yoke; while in the plain along the Apulian coast the ancient native population, the Iapygians, upon the whole maintained their ground, although involved in constant feuds, in particular on the northern frontier about Luceria and Arpi. When these migrations took place cannot of course be determined; but it was probably about the period of the regal government in Rome. Tradition reports that the Sabines, pressed by the Umbrians, vowed a *ver sacrum*, that is, swore that they would give up and send beyond their bounds the sons and daughters born in the year of war, so soon as these should reach maturity, that the gods might at their pleasure destroy them or bestow upon them new abodes in other lands. One band was led by the ox of Mars; these were the Safini or Samnites, who in the first instance established themselves on the mountains adjoining the river Sagrus, and at a later period proceeded to occupy the beautiful plain on the east of the Matese chain, near the sources of the Tifernus. Both in their old and in their new territory they named their place of public assembly,

which in the one case was situated near Agnone, in the other near Bojano, from the ox which led them, Bovianum. A second band was led by the woodpecker of Mars; these were the Picentes, "the woodpecker-people," who took possession of what is now the March of Ancona. A third band was led by the wolf (*hirpus*) into the region of Beneventum; these were the Hirpini. In a similar manner the other small tribes branched off from the common stock, the Prætuttii near Teramo; the Vestini about the Gran Sasso; the Marrucini near Chieti; the Frentani on the frontier of Apulia; the Pæligni about the Majella mountains; and lastly the Marsi about lake Fucinus, coming in contact with the Volscians and Latins. All of these tribes retained, as these legends clearly show, a vivid sense of their relationship and of their having come forth from the Sabine land. While the Umbrians succumbed in the unequal struggle, and the western offshoots of the same stock became amalgamated with the Latin or Hellenic population, the Sabellian tribes prospered in the seclusion of their distant mountain land, equally remote from collision with the Etruscans, the Latins, and the Greeks. There was little or no development of an urban life amongst them; their geographical position almost wholly precluded them from engaging in commercial intercourse, and the mountain-tops and strongholds sufficed for the necessities of defence, while the husbandmen continued to dwell in open hamlets or wherever each found the spring and the forest or pasture that he wished. In such circumstances their constitution remained stationary; like the similarly situated Arcadians in Greece, their communities never became incorporated into a single state; at the utmost they only formed confederacies more or less loosely connected. In the Abruzzi especially, the strict seclusion of the mountain valleys seems to have debarred the several cantons from intercourse either with each other or with the outer world. They maintained but little connection with each other, and persevered in a complete isolation from the rest of Italy; and in consequence, notwithstanding the bravery of their inhabitants, they exercised less influence than any other portion of the Italian nation on the development of the history of the Peninsula.

On the other hand the Samnite people decidedly exhibited the highest political development among the eastern Italian stock, as the Latin nation did among the western. From an early period, perhaps from its first immigration, a com-

paratively strong political bond held together the Samnite nation, and gave to it the strength which subsequently enabled it to contest with Rome on equal terms the supremacy of Italy. We are as ignorant of the time and manner of the formation of the league, as we are of its constitution; but it is clear that in Samnium no single community exercised a preponderating influence, and still less was there any town to serve as a central rallying point and bond of union for the Samnite stock, such as Rome was for the Latins. The strength of the land lay in its *communes* of husbandmen, and authority was vested in the assembly formed of their representatives. This assembly in case of need nominated a federal commander-in-chief. In consequence of such a constitution the policy of the confederacy was not aggressive like the Roman, but limited to the defence of its own bounds; only in an united state is power so concentrated and passion so strong, that the extension of territory can be systematically pursued. Accordingly the whole history of the two nations is prefigured in their diametrically opposite systems of colonization. Whatever the Romans gained, was a gain to the state: the conquests of the Samnites were achieved by bands of volunteers who went forth in search of plunder, and, whether they prospered or were unfortunate, were left to their own resources by their native home. The conquests, however, which the Samnites made on the coasts of the Tyrrhenian and Ionic seas, belong to a later age; during the regal period in Rome they seem to have been only gaining possession of the settlements in which we afterwards find them. As a single incident in the series of movements among the neighbouring peoples caused by the Samnite settlement may be mentioned the surprise of Cumæ by Tyrrhenians from the Upper Sea, Umbrians, and Daunians
524. in the year of the city 230. If we may give credit to the accounts of the matter, which bear certainly a considerable colouring of romance, it would appear that in this instance, as was often the case in such expeditions, the intruders and those whom they supplanted combined to form one army, the Etruscans joining with their Umbrian enemies, and these again joined by the Iapygians, whom the Umbrian settlers had driven towards the south. Nevertheless the undertaking proved a failure: on this occasion at least the superiority of the Greeks in the art of war, and the bravery of the tyrant Aristodemus, succeeded in repelling the barbarian assault on the beautiful seaport.

CHAPTER IX.

THE ETRUSCANS.

THE Etruscan people, or Ras,* as they called themselves, present a striking contrast to the Latin and Sabellian Italians, as well as to the Greeks. They were distinguished from these nations by their very bodily structure: instead of the slender and symmetrical proportions of the Greeks and Italians, the sculptures of the Etruscans exhibit only short sturdy figures with large heads and thick arms. Their manners and customs also, so far as we are acquainted with them, point to the conclusion that this nation was originally quite distinct from the Græco-Italian stocks. The religion of the Tuscans, in particular, presenting a gloomy fantastic character, and delighting in the mystical handling of numbers and in wild and horrible speculations and practices, is equally remote from the clear rationalism of the Romans and the genial image-worship of the Hellenes. The conclusion which these facts suggest is confirmed by the most important and authoritative evidence of nationality, the evidence of language. The remains of the Etruscan tongue which have reached us, numerous as they are, and presenting so many data to aid in deciphering it, occupy a position of isolation so complete, that not only has no one hitherto succeeded in its interpretation, but no one has been able even to determine precisely its proper place in the classification of languages. Two periods in the development of the language may be clearly distinguished. In the older period the vocalization of the language was completely carried out, and the collision of two consonants was almost without exception

Etruscan Nationality.

* *Ras-ennæ*, with the gentile termination mentioned at p. 126.

avoided.* By throwing off the vocal and consonantal terminations, and by the weakening or rejection of the vowels, this soft and melodious language was gradually changed in character, and became intolerably harsh and rugged.† They changed, for example *ramuϑaſ* into *ramϑa*, *Tarquinius* into *Tarchnaſ*, *Minerva* into *Menrva*, *Menelaos*, *Polydeukes*, *Alexandros*, into *Menle*, *Pultuke*, *Elchſentre*. The indistinct and rugged nature of their pronunciation is shown most clearly by the fact that at a very early period the Etruscans ceased to distinguish *o* from *u*, *b* from *p*, *c* from *g*, *d* from *t*. At the same time the accent was, as in Latin and in the more rugged Greek dialects, uniformly thrown back upon the initial syllable. The aspirate consonants were treated in a similar fashion; while the Italians rejected them with the exception of the aspirated *b* or the *f*, and the Greeks, reversing the case, rejected this sound and retained the rest—ϑ, φ, χ, the Etruscans allowed the softest and most pleasing of them, the φ, to drop entirely except in words borrowed from other languages, and on the other hand made use of the other three to an extraordinary extent, even where they had no proper place; *Thetis* for example became *Thethis*, *Telephus Thelaphe*, *Odysseus Utuze* or *Uthuze*. Of the few terminations and words, whose meaning has been ascertained, most have not the most distant analogy to the Græco-Italian languages; such as the termination *al* employed as a designation of descent, frequently of descent from the mother, *e. g. Canial*, which, on a bilingual inscription of Chiusi, is translated by *Cainia natus;* and the termination *sa* in the names of women, used to indicate the clan into which they have married, *e. g. Lecnesa* denoting the spouse of a *Licinius*. *Cela* or *clan*, with the inflection *clensi* means son; *seχ* daughter; *ril* year; the god *Hermes* becomes *Turms*, *Aphrodite Turan*, *Hephæstos Sethlans*, *Bakchos Fufluns*. Alongside of these strange forms and sounds there certainly occur isolated analogies between the Etruscan and the Italian languages. Proper names are formed, substantially, after the general Italian system. The frequent gentile termination *enas* or *ena*‡ recurs in the termination

* To this period belong *e. g.* inscriptions on the clay vases of Cære, such as, *minicevϑuamimaϑunaramlisiaiϑipurenaieϑeeraisieepa namineϑunastavhelefu*, or *mi ramuϑaſ kaiuſinaia*.

† We may form some idea of the sound which the language now had from the commencement of the great inscription of Perusia; *eulat tanna larezul amevaχrlautn velϑinase stlaafunas sleleϑcaru*.

‡ Such as Mæcenas, Porsena, Vivenna, Cæcina, Spurinna. The vowel in

enus, which is likewise of frequent occurrence in Italian, especially in Sabellian clan-names; thus the Etruscan names *Vivenna* and *Spurinna* correspond closely to the Roman *Vibius* or *Vibienus*, and *Spurius*. A number of names of divinities, which occur as Etruscan on Etruscan monuments or in authors, have in their roots, and to some extent even in their terminations, a form so thoroughly Latin, that, if these names were really originally Etruscan, the two languages must have been closely related; such as *Usil* (sun and dawn, connected with *ausum*, *aurum*, *aurora*, *sol*), *Minerva* (*menervare*), *Lasa* (*lascivus*), *Neptunus*, *Voltumna*. As these analogies, however, may have had their origin in the subsequent political and religious relations between the Etruscans and Latins, and in the accommodations and borrowings to which these relations gave rise, they do not invalidate the conclusion to which we are led by the other observed phenomena, that the Tuscan language differed as widely from all the Græco-Italian dialects as did the languages of the Celts or of the Slavonians. So at least it sounded to the Roman ear; "Tuscan and Gallic" were the languages of barbarians, "Oscan and Volscian" were but rustic dialects.

But, while the Etruscans thus were far removed from the Græco-Italian stock, no one has yet succeeded in connecting them with any other known race. All sorts of dialects have been examined with a view to discover their affinity with the Etruscan, sometimes by simple interrogation, sometimes by torture, but all without exception in vain. The geographical position of the Basque nation would naturally suggest it as not unlikely to be cognate; but even in the Basque language no analogies of a decisive character have been brought forward. As little do the scanty remains of the Ligurian language, which have reached our time, consisting of local and personal names, indicate any connection with the Tuscans. Even the extinct nation which has constructed in thousands those enigmatical sepulchral-towers called *Nuraghe* in the islands of the Tuscan Sea, especially in Sardinia, cannot well be connected with the Etruscans, for not a single structure of the same character is to be met with in Etruria. The most

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the penult is originally long, but in consequence of the throwing back of the accent upon the initial syllable, is frequently shortened, and even rejected. Thus we find Porsĕna as well as Porsēna, and Ceicne as well as Cæcina.

we can say is that several traces, apparently reliable, point to the conclusion that the Etruscans may be on the whole included among the Indo-Germans. Thus *mi* in the beginning of many of the older inscriptions is certainly *ἐμί*, *εἰμί*, and the genitive form of consonantal stems *veneruf rafuvuf*, is exactly reproduced in old Latin, corresponding to the old Sanscrit termination *as*. In like manner the name of the Etruscan Zeus, *Tina* or *Tinia*, is probably connected with the Sanscrit *dina*, meaning day, as Ζάν is connected with the synonymous *diwaṅ*. But, even granting those points of connection, the Etruscan people appears withal scarcely less isolated. "The Etruscans," Dionysius said long ago, "are like no other nation in language and manners," and we have nothing to add to his statement.

Home of the Etruscans.

It is equally difficult to determine from what quarter the Etruscans migrated into Italy; nor is much lost through our inability to answer the question, for this migration belonged at any rate to the infancy of the people, and their historical development began and ended in Italy. No question, however, has been handled with greater zeal than this, in accordance with the principle which induces antiquaries especially to inquire into what is neither capable of being known nor worth the knowing—to inquire "who was Hecuba's mother," as the Emperor Tiberius is said to have done. As the oldest and most important Etruscan towns lay far inland (indeed we find not a single Etruscan town of any note immediately on the coast except Populonia, which we know for certain was not one of the old twelve cities), and, further, as the movement of the Etruscans in historical times was from north to south, it seems probable that they migrated into the peninsula by land. Indeed the low stage of civilization in which we find them would ill accord with the hypothesis of their having migrated by sea. Nations in the earliest times crossed a strait as they would a stream; but to land on the west coast of Italy was a very different matter. We must therefore seek for the earlier home of the Etruscans to the west or north of Italy. It is not wholly improbable that the Etruscans may have come into Italy over the Rhætian Alps; for the oldest traceable settlers in the Grisons and Tyrol, the Rhæti, spoke Etruscan down to historical times, and their name sounds similar to that of the Ras. They may indeed have been remains of the Etruscan settlements on the Po; but it is at least quite as likely that

they may have been a portion of the nation which remained behind in its earlier abode.

In glaring contradiction to this simple and natural view stands the story that the Etruscans were Lydians who had emigrated from Asia. It is very ancient: it already occurs in Herodotus; and it reappears in later writers with innumerable changes and additions, although several intelligent inquirers, such as Dionysius, expressly declared their disbelief in it, and pointed to the fact that there was not the slightest similarity apparent between the Lydians and Etruscans in religion, laws, manners, or language. It is possible that an isolated band of pirates from Asia Minor may have reached Etruria, and that their adventure may have given rise to such tales; but more probably the whole story rests on a mere verbal mistake. The Italian Etruscans, or the *Tursennæ* (for this appears to be the original form and the basis of the Greek Τυρσ-ηνοί, Τυῤῥηνοί, of the Umbrian *Turs-ci*, and of the two Roman forms *Tuści*, *Etrusci*), nearly coincide in name with the Lydian Τορῥηβοί, or perhaps also Τυῤῥ-ηνοί, so named from the town Τυῤῥα. This manifestly accidental resemblance in name seems to be in reality the only foundation for that hypothesis—not rendered more reliable by its great antiquity—and for all the pile of crude historical speculation that has been reared upon it. By connecting the ancient maritime commerce of the Etruscans with the piracy of the Lydians, and then by confounding (Thucydides is the first who has demonstrably done so) the Torrhebian pirates, whether rightly or wrongly, with the filibustering Pelasgians, who roamed and plundered on every sea, there has been produced one of the most unhappy complications in historical tradition. The term Tyrrhenians denotes sometimes the Lydian Torrhebi—such is the case in the earliest sources, as in the Homeric hymns; sometimes under the form Tyrrheno-Pelasgians or simply that of Tyrrhenians, the Pelasgian nation; sometimes, in fine, the Italian Etruscans, although the latter never came into lasting contact with the Pelasgians or Torrhebians, nor were at all connected with them by common descent.

Settlements of the Etruscans in Italy.

It is, on the other hand, a matter of historical interest to determine what were the oldest traceable abodes of the Etruscans, and what were their further movements when they left these. Various circumstances attest that before the great Celtic invasion they dwelt in the district to the north

of the Po, being conterminous on the east along the Adige with the Veneti of Illyrian (Albanian?) descent, on the west with the Ligurians. This is proved in particular by the existence of the already mentioned rugged Etruscan dialect which was still spoken in Livy's time by the inhabitants of the Rhætian Alps, and by the fact that Mantua remained Tuscan down to a late period. To the south of the Po, and at the mouths of that river, Etruscans and Umbrians were mingled, the former as the dominant, the latter as the older race, which had founded the old commercial towns of Hatria and Spina, while the Tuscans appear to have been the founders of Felsina (Bologna) and Ravenna. A long time elapsed ere the Celts crossed the Po; hence the Etruscans and Umbrians left deeper traces of their existence on the right bank of the river than they had done on the left, which they had to surrender at an earlier period. All the districts, however, to the north of the Apennines passed too rapidly out of the hands of one nation into those of another to permit the formation of any continuous national development there.

Far more important in an historical point of view was the great settlement of the Tuscans in the land which still bears their name. Although Ligurians or Umbrians were perhaps at one time (P. 120) settled there, the traces of their occupation have been wholly effaced by the civilization of their Etruscan successors. In this region, which extends along the coast from Pisæ to Tarquinii, and is shut in on the east by the Apennines, the Etruscan nationality found its permanent abode, and maintained itself with great tenacity down to the time of the Empire. The northern boundary of the proper Tuscan territory was formed by the Arnus; the region north from the Arnus as far as the mouth of the Macra and the Apennines was a debateable border land in the possession sometimes of Ligurians, sometimes of Etruscans, and, in consequence, larger settlements did not succeed there. The southern boundary was probably formed at first by the Ciminian Forest, a chain of hills south of Viterbo, and at a later period by the Tiber. We have already (P. 121) noticed the fact that the territory between the Ciminian range and the Tiber, with the towns Sutrium, Nepete, Falerii, Veii, and Cære appears to have been taken possession of by the Etruscans at a period considerably later than the more northerly district, possibly not earlier than in the

second century of Rome, and that the original Italian population must have maintained its ground in this region, especially in Falerii, although in a relation of dependence.

From the time at which the river Tiber became the line of demarcation between Etruria on the one side, and Umbria and Latium on the other, peaceful relations probably upon the whole prevailed in that quarter, and no essential change seems to have taken place in the boundary line, at least so far as concerned the Latin frontier. Vividly as the Romans were impressed by the feeling that the Etruscan was a foreigner; while the Latin was their countryman, they yet seem to have stood in much less fear of attack or of danger from the right bank of the river than, for example, from their kinsmen in Gabii and Alba; and this was natural, for they were protected in that direction, not merely by the broad stream which formed a natural boundary, but also by the circumstance, so momentous in its bearing on the mercantile and political development of Rome, that none of the more powerful Etruscan towns lay immediately on the river, as did Rome on the Latin bank. The Veientes were the nearest to the Tiber, and it was with them that Rome and Latium came most frequently into serious conflict, especially for the possession of Fidenæ, which served the Veientes as a sort of *tête du pont* on the left bank just as Janiculum served the Romans on the right, and which was sometimes in the hands of the Latins, sometimes in those of the Etruscans. The relations of Rome with the somewhat more distant Cære were on the whole far more peaceful and friendly than those which we usually find subsisting between neighbours in early times. There are indeed vague legends, reaching back to times of distant antiquity, about contests between Latium and Cære; Mezentius the king of Cære, for instance, is asserted to have obtained great victories over the Latins, and to have imposed upon them a wine-tax; but evidence much more positive than that which attests a former state of feud is supplied by tradition as to an especially close connection between the two ancient centres of commercial and maritime intercourse in Latium and Etruria. Reliable traces of any advance of the Etruscans beyond the Tiber, by land, are altogether wanting. It is true that Etruscans are named in the first ranks of the great barbarian host, which Aristodemus annihilated in 230 U. C. 524. under the walls of Cumæ (P. 124); but, even if we regard that

account as deserving credit in all its details, it only shows that the Etruscans had taken part in a great plundering expedition. It is far more important to observe that south of the Tiber no Etruscan settlement can be pointed out as having owed its origin to founders who came by land; and that no indication whatever is discernible of any serious pressure by the Etruscans upon the Latin nation. The possession of the Janiculum and of both banks of the mouth of the Tiber remained, so far as we can see, undisputed in the hands of the Romans. As to the migrations of bodies of Etruscans to Rome, we find an isolated statement drawn from Tuscan annals, that a Tuscan band, led by Cælius Vivenna of Volsinii and after his death by his faithful companion Mastarna, was conducted by the latter to Rome, and settled there on the Cælian Mount. We may hold the account to be trustworthy, although the addition that this Mastarna became king in Rome under the name of Servius Tullius is certainly nothing but an improbable conjecture of the archæologists who busied themselves with legendary parallels. The name of the "Tuscan quarter" at the foot of the Palatine (P. 53) points to a similar settlement.

It can hardly, moreover, be doubted that the last regal family which ruled over Rome, that of the Tarquins, was of Etruscan origin, whether it belonged to Tarquinii as the legend asserts, or to Cære where the family tomb of the Tarchnas has recently been discovered. The female name also Tanaquil or Tanchvil, interwoven with the legend, while it is not Latin, is common in Etruria. But the traditional story, according to which Tarquin was the son of a Greek who had migrated from Corinth to Tarquinii, and came to settle in Rome as a *metoikos*, is neither history nor legend, and the historical chain of events is manifestly in this instance not entangled merely, but completely torn asunder. If anything at all can be deduced from this tradition beyond the bare and really unimportant fact that a family of Tuscan descent were the last who swayed the sceptre in Rome, it can only be held as implying that this dominion of a man of Tuscan origin should neither be viewed as a dominion of the Tuscans or of any one Tuscan community over Rome, nor conversely as a dominion of Rome over southern Etruria. There is, in fact, no sufficient ground either for the one hypothesis or for the other. The history of the Tarquins was acted out in Latium, not in Etruria; and Etruria, so far

as we can see, during the whole regal period exercised no influence of any essential moment on either the language or customs of Rome, and did not at all interrupt the regular development of the Roman state or of the Latin league.

The cause of this comparatively passive attitude of Etruria towards the neighbouring land of Latium is probably to be sought partly in the struggles of the Etruscans with the Celts on the Po (which it is probable that the Celts did not cross until after the expulsion of the kings from Rome), and partly in the inclination of the Etruscan people towards navigation and the acquisition of supremacy on the sea and seaboard, a tendency decidedly exhibited in their settlements in Campania, and of which we shall speak more fully in the next chapter.

The Etruscan constitution.

The Tuscan constitution, like the Greek and Latin, was based on the gradual transition of the community to an urban life. The early direction of the national energies towards navigation, trade, and industry, appears to have called into existence urban commonwealths, in the strict sense of the term, earlier in Etruria than elsewhere in Italy. Cære is the first of all the Italian towns that is mentioned in Greek records. On the other hand we find that the Etruscans had, on the whole, less of the ability and the disposition for war than the Romans and Sabellians. The un-Italian custom of employing mercenaries to fight for them occurs among the Etruscans at a very early period. The oldest constitution of the communities must, in its general outlines, have resembled the Roman. Kings or Lucumones ruled, possessing similar insignia, and probably therefore a similar plenitude of power with the Roman kings. A strict line of demarcation separated the nobles from the common people. The resemblance in the clan-organization is attested by the analogy of the systems of names; only, among the Etruscans, descent on the mother's side received much more consideration than in Roman law. The constitution of their league appears to have been very lax. It did not embrace the whole nation, but the northern and the Campanian Etruscans were associated in confederacies of their own in the same way as the communities of Etruria proper. Each of these leagues consisted of twelve communities, which recognized a metropolis, especially for purposes of worship, and a federal head or rather high priest, but appear to have been substantially on a level in respect of

rights, and some of them so powerful that neither could a hegemony establish itself, nor could the central authority attain consolidation. In Etruria proper Volsinii was the metropolis. Of the rest of its twelve towns we know by trustworthy tradition only Perusia, Vetulonium, Volci, and Tarquinii. It was, however, quite as unusual for the Etruscans really to act in concert, as it was for the Latin confederacy to do otherwise. Wars were ordinarily carried on by a single community, which endeavoured to interest in its cause such of its neighbours as it could; and when an exceptional case occurred in which war was resolved on by the league, individual towns very frequently kept aloof from it. The Etruscan confederations appear to have been from the first, still more than the other Italian leagues formed on a similar basis of national affinity, deficient in a firm and paramount central authority.

CHAPTER X.

THE HELLENES IN ITALY.—MARITIME SUPREMACY OF THE TUSCANS AND CARTHAGINIANS.

Relations of Italy with other lands.

In the history of the nations of antiquity a gradual dawn ushered in the day; and in their case too the dawn was in the east. While the Italian peninsula still lay enveloped in the dim twilight of morning, the regions of the eastern basin of the Mediterranean had already emerged into the full light of a varied and richly developed civilization. It falls to the lot of most nations in the early stages of their development to be taught and trained by some rival sister-nation; and such was destined to be in an eminent degree the lot of the peoples of Italy. The circumstances of its geographical position, however, prevented this influence from being brought to bear upon the peninsula by land. No trace is to be found of a resort in early times to the difficult route by land between Italy and Greece. There were, indeed, in all probability from time immemorial, tracks for purposes of traffic, leading from Italy to the lands beyond the Alps; the oldest route of the amber trade from the Baltic joined the Mediterranean at the mouth of the Po (on which account the delta of the Po appears in Greek legend as the native country of amber), and that route was joined by another leading across the peninsula and over the Apennines to Pisæ; but from these regions no elements of civilization could come to the Italians. It was the seafaring nations of the East that brought to Italy whatever foreign culture reached it in early times.

Phœnicians in Italy.

The oldest civilized nation on the shores of the Mediterranean, the Egyptians, were not a seafaring people, and therefore they exercised no influence on Italy. But the

same may be with almost equal truth affirmed of the Phœnicians. It is true that, issuing from their narrow home on the extreme eastern verge of the Mediterranean, they were the first of all known races who ventured forth in floating houses on the bosom of the deep, at first for the purpose of fishing and dredging, but soon also for the prosecution of trade. They were the first to open up maritime commerce; and at an incredibly early period they traversed the Mediterranean even to its furthest extremity in the west. Maritime stations of the Phœnicians appear on almost all its coasts earlier than those of the Hellenes; in Hellas itself, for instance, in Crete and Cyprus, in Egypt, Libya, and Spain, and likewise on the western Italian main. Thucydides tells us that all around Sicily, before the Greeks came thither, or at least before they had established themselves there in any considerable numbers, the Phœnicians had set up their factories on the headlands and islets, not with a view to territorial aggrandizement, but for the sake of trading with the natives. But it was otherwise in the case of continental Italy. No reliable indication has hitherto been given of the existence of any Phœnician settlement there excepting one, a Punic factory at Cære, the memory of which has been preserved partly by the appellation *Punicum* given to a little village on the Cærite coast, partly by the other name of the town of Cære itself, *Agylla*, which is not, as idle fiction asserts, of Pelasgic origin, but is a Phœnician word signifying the "round town"—precisely the appearance which Cære presents when seen from the sea. That this station and any similar establishments which may have elsewhere existed on the coasts of Italy were neither of much importance nor of long standing is evident from their having disappeared almost without leaving a trace. We have not the smallest reason to think them older than the Hellenic settlements of a similar kind on the same coasts. An evidence of no slight weight that Latium at least first became acquainted with the men of Canaan through the medium of the Hellenes is furnished by the Latin name "Pœni," which is borrowed from the Greeks. All the oldest relations, indeed, of the Italians to the civilization of the East point decidedly towards Greece; and the rise of a Phœnician factory at Cære may be very well explained, without resorting to the pre-Hellenic period, by the subsequent well-known relations between the commercial state of Cære and Carthage. In fact when

we recall the circumstance that the earliest navigation was and remained essentially of a coasting character, it is plain that scarcely any country on the Mediterranean lay so remote from the Phœnicians as the Italian continent. They could only reach it from the west coast of Greece or from Sicily; and it is very probable that the seamanship of the Hellenes became developed early enough to anticipate the Phœnicians in braving the dangers of the Adriatic and of the Tyrrhene seas. There is no ground therefore for the assumption that any direct influence was originally exercised by the Phœnicians over the Italians. To the subsequent relations between the Phœnicians holding the supremacy of the western Mediterranean and the Italians inhabiting the shores of the Tyrrhene sea our narrative will return in the sequel.

Greeks in Italy

To all appearance the Hellenic mariners were the first among the inhabitants of the eastern basin of the Mediterranean to navigate the coasts of Italy. Of the important questions, however, as to the region from which, and as to the period at which, the Greek seafarers came thither, only the former admits of being answered with some degree of precision and fulness. The Æolian and Ionian coast of Asia Minor was the region where Hellenic maritime traffic first became developed on a large scale, and whence issued those Greeks who explored the interior of the Black Sea on the one hand and the coasts of Italy on the other. The name of the Ionian Sea, which was retained by the waters intervening between Epirus and Sicily, and that of the Ionian gulf, the term by which the Greeks in earlier times designated the Adriatic Sea, are memorials of the fact that the southern and eastern coasts of Italy were once upon a time discovered by seafarers from Ionia. The oldest Greek settlement in Italy, Kyme, was, as its name and legend bear, founded by the town of the same name on the Anatolian coast. According to trustworthy Hellenic tradition, the Phocæans of Asia Minor were the first of the Hellenes to traverse the more remote western sea. Other Greeks soon followed in the paths which those of Asia Minor had opened up; Ionians from Naxos and from Chalcis in Eubœa, Achæans, Locrians, Rhodians, Corinthians, Megarians, Messenians, Spartans. After the discovery of America, the civilized nations of Europe vied with one another in sending out expeditions and forming settlements

Home of the Greek immigrants.

there; and the new settlers, when located amidst barbarians, recognized their common character and common interests as civilized Europeans, more strongly than they had done in their former home. So it was with the new discovery of the Greeks. The privilege of navigating the western waters and settling on the western land was not the exclusive property of a single Grecian province or of a single Grecian stock, but a common good for the whole Hellenic nation; and, just as in the formation of the new North American world, English and French, Dutch and German settlements became mingled and blended, Grecian Sicily and "Great Greece" became peopled by a mixture of all sorts of Hellenic races often amalgamated so as no longer to be distinguishable. Leaving out of account some settlements occupying a more isolated position such as that of the Locrians, with its offsets, Hipponium and Medama, and the settlement of the Phocæans, which was not founded till towards the close of this period, Hyele (Velia, Elea), we may distinguish in a general view three leading groups. The original Ionian group, comprehended under the name of the Chalcidian towns, included in Italy Cumæ with the other Greek settlements near Vesuvius and Rhegium, and in Sicily Zankle (afterwards Messana), Naxos, Catana, Leontini, and Himera. The Achæan group embraced Sybaris and the greater part of the cities of Magna Græcia. The Dorian comprehended Syracuse, Gela, Agrigentum, and the majority of the Sicilian colonies, while in Italy nothing belonged to it but Taras (Tarentum) and its offset Heraclea. Upon the whole the preponderance lay with the immigrants who belonged to the more ancient Hellenic influx, that of the Ionians and the stocks settled in the Peloponnesus before the Doric immigration. Among the Dorians only communities of a mixed population, such as Corinth and Megara, took any leading part; the purely Doric provinces had but a subordinate share in the movement. This result was naturally to be expected, for the Ionians were from ancient times a trading and seafaring people, while it was only at a comparatively late period that the Dorian stocks descended from their inland mountains to the seaboard, and they always kept aloof from maritime commerce. The different groups of immigrants are very clearly distinguished by the diversity of their monetary standards. The Phocæan settlers coined according to the Babylonian standard which prevailed in Asia. The Chalcidian towns followed in the

earliest times the Æginetan, in other words, that which originally prevailed throughout all European Greece, and more especially that modification of it which is found occurring in Eubœa. The Achæan communities coined by the Corinthian standard; and lastly the Doric, upon the basis of that which Solon introduced in Attica in the year of Rome 160, with the exception of Tarentum and Heraclea which in their principal pieces followed rather the standard of their Achæan neighbours than that of the Dorians in Sicily. 593.

Time of the Greek immigration.

The dates of the earlier voyages and settlements will probably always remain shrouded in total darkness. We may still, however, distinctly recognize a certain order of sequence. In the oldest Greek document, which belongs, like the earliest intercourse with the West, to the Ionians of Asia Minor, the Homeric poems, the horizon scarcely extends beyond the eastern basin of the Mediterranean. Sailors driven by storms into the western sea might have brought to Asia Minor accounts of the existence of a western land, and possibly, also, of its whirlpools and island-mountains vomiting fire; but in the age of the Homeric poetry there was an utter want of reliable information respecting Sicily and Italy even in that Greek land which was the earliest to enter into intercourse with the West; and the story-tellers and poets of the East could without fear of contradiction fill the vacant realms of the West, as those of the West in their time filled the fabulous East, with their castles in the air. In the poems of Hesiod the outlines of Italy and Sicily appear better defined; there is some acquaintance with the native names of tribes, mountains, and cities in both countries; but Italy is still regarded as a group of islands. On the other hand, in all the literature subsequent to Hesiod, Sicily and even the whole coast of Italy appear as known, at least in a general sense, to the Hellenes. The order of succession of the Greek settlements may in like manner be ascertained with some degree of precision. Thucydides evidently regarded Cumæ as the earliest settlement of note in the West; and certainly he was not mistaken. It is true that many a suitable landing-place lay nearer at hand for the Greek mariner, but none were so well protected from storms and from barbarians as the island of Ischia, upon which the town was originally situated; and that such were the prevailing considerations that led to this settlement is evident from the very position, which was subsequently selected for it on the

main land, on the steep but well-protected cliff, which bears to the present day the venerable name of the mother-city in Anatolia. Nowhere in Italy, moreover, were the scenes of the legends of Asia Minor so vividly and tenaciously localized as in the district of Cumæ, where the earliest voyagers to the west, full of such legends of western wonders, first stepped upon the fabled land, and left perpetual traces of that world of story, which they believed that they were treading, in the rocks of the Sirens and the lake of Avernus that led to the other world. On the supposition, moreover, that it was in Cumæ that the Greeks first became the neighbours of the Italians, it is easy to explain why the name of that Italian stock, which was settled immediately around Cumæ, the name of Opicans, came to be employed by them for many centuries afterwards to designate the Italians collectively. There is a further credible tradition, that a considerable interval elapsed between the settlement at Cumæ and the main Hellenic emigration into Lower Italy and Sicily, and that in that emigration Ionians from Chalcis and from Naxos took the lead. Naxos, in Sicily, is said to have been the oldest of all the Greek towns founded by strict colonization in Italy or Sicily; the Achæan and Dorian colonizations followed, but not until a later period.

It appears, however, to be quite impossible to fix the dates of this series of events with even approximate accuracy. The founding of the Achæan city of Sybaris, in
721, 708. 33 U.C., and that of the Dorian city Tarentum, in 46 U.C., may be taken as a basis in such an inquiry—the most ancient dates in Italian history, the correctness or at least approximation to correctness of which may be looked upon as established. But how far beyond that epoch the earlier Ionian colonies reached back, is quite as uncertain as is the age which gave birth to the poems of Hesiod or even of Homer. If Herodotus is correct in the period which he assigns to Homer, the Greeks were still unacquainted with
850. Italy a century before the foundation of Rome. The date thus assigned, however, like all other statements respecting the Homeric age, is matter not of testimony, but of inference, and whoever carefully weighs the history of the Italian alphabets and the remarkable fact, that the Italians had become acquainted with the Greek nation before the newer name "Hellenes" had supplanted the older national desig-

nation "Græci,"* will be inclined to refer the earliest intercourse of the Italians with the Greeks to an age considerably more remote.

Character of the Greek immigration.

The history of the Italian and Sicilian Greeks forms no part of the history of Italy; the Hellenic colonists of the west always retained the closest connection with their original home, and participated in the national festivals and rights of Hellenes. But it is of importance even as bearing on Italy, that we should indicate the diversities of character that prevailed in the Greek settlements there, or at least exhibit certain of their leading features—the features which enabled the Greek colonization to exercise so varied an influence on Italy.

The league of the Achæan cities.

Of all the Greek settlements, that which retained most thoroughly its distinctive character, and was least affected by influences from without, was the settlement which gave birth to the league of the Achæan cities composed of the towns of Siris, Pandosia, Metabus or Metapontum, Sybaris with its offsets, Posidonia and Laus, Croton, Caulonia, Temesa, Terina, and Pyxus. These colonists, taken as a whole, belonged to a Greek stock, which steadfastly adhered to its own peculiar dialect (distinguished from Doric, with which in other respects it had most affinity, *e. g.* by the want of the *h*), and retained no less steadfastly the old national Hellenic mode of writing instead of adopting the more recent alphabet which had elsewhere come into general use; and which preserved its own national standing distinct from the bar-

* The name Græci is, like that of Hellenes, associated with the primitive seat of Greek civilization, the interior of Epirus and the region of Dodona. In the Eoai of Hesiod it still appears as a collective name for the nation, although it is *manifest* that it is intentionally thrown into the shade, and rendered subordinate to that of Hellenes. The latter does not occur in Homer, but in addition to Hesiod, it is found in Archilochus, about the year 50 v. c., 700. and it may very probably have come into use considerably earlier (Duncker, *Gesch. d. Alt.* iii. 18, 556). Before this period, therefore, the Italians had already attained so extensive an acquaintance with the Greeks, that they knew not only how to name the individual stock, but how to designate the nation by a collective term. It is difficult to see how we can reconcile with this fact the statement that a century before the foundation of Rome Italy was still quite unknown to the Greeks of Asia Minor. We shall speak of the alphabet below; its history yields an entirely similar result. It may perhaps be characterized as a rash step to reject the statement of Herodotus respecting the age of Homer, on the strength of such considerations; but is there no rashness in following implicitly the guidance of tradition in questions of this kind?

barians, and from other Greeks, by the firm bond of a federal constitution. The language of Polybius, regarding the Achæan symmachy in the Peloponnesus may be applied also to these Italian Achæans; "not only did they live in federal and friendly communion, but they availed themselves of the same laws, and the same weights, measures, and coins, as well as of the same magistrates, councillors, and judges."

The league of the Achæan cities was strictly a colonization. The cities had no harbours—Crotona alone had a paltry roadstead—and they had no commerce of their own; the Sybarite prided himself on growing gray between the bridges of his lagoon-city, and Milesians and Etruscans bought and sold for him. These Achæan Greeks, however, were not in possession merely of a narrow belt along the coast, but ruled from sea to sea in the "land of wine," and of "oxen" (Οἰνωτρία, Ἰταλία) or the "great Hellas;" the native agricultural population was compelled to farm their lands and to pay to them tribute in the character of clients, or even of serfs. Sybaris—in its time the largest city in Italy—exercised dominion over four barbarian tribes and five-and-twenty townships, and was able to found Laus and Posidonia on the other sea. The surprisingly fertile lowlands of the Crathis and the Bradanus yielded a superabundant produce to the Sybarites and Metapontines—it was there perhaps that grain was first cultivated for exportation. The height of prosperity which these states in a very short time attained, is strikingly attested by the only surviving works of art of these Italian Achæans, their coins of chaste antiquely beautiful workmanship—the earliest monuments of Italian art and writing which we possess, as it can be shown
580. that they had already begun to be coined in 174 U.C. These coins show, that the Achæans of the west not merely participated in the noble development of plastic art that was at this very time taking place in the mother land, but were perhaps even superior in technical skill. For while the silver pieces, which were in use about that time in Greece proper and among the Dorians in Italy, were thick, often stamped only on one side, and in general without inscription, the Italian Achæans with great and independent skill struck from two similar dies, partly cut in relief, partly sunk, large thin silver coins always furnished with inscriptions and displaying the advanced organization of a civilized state in the style of impression, by which they were carefully pro-

tected from the process of counterfeiting usual in that age—the plating of inferior metal with thin silver-foil.

Nevertheless this rapid bloom bore no fruit. In a life of indolence in which their energies were never tried either by vigorous resistance on the part of the natives, or by hard labour of their own, even Greeks speedily lost all elasticity of body and of mind. None of the brilliant names in Greek art or literature shed glory on the Italian Achæans, while Sicily could claim ever so many of them, and even in Italy the Chalcidian Rhegium could produce its Ibycus, and the Doric Tarentum its Archytas. With this people, among whom the spit was for ever turning on the hearth, nothing flourished from the first but boxing. The rigid aristocracy, which early gained the helm in the several communities, and which found, in case of need, a sure reserve of support in the federal power, prevented the rise of tyrants. The only danger to be apprehended was that the government of the best might be converted into a government of the few, especially if the privileged families in the different communities should combine to assist each other in carrying out their designs. Such was the predominant aim in the combination of mutually pledged "friends," which bore the name of Pythagoras. It enjoined the principle that the ruling class should be "honoured like gods," and that the subject class should be held in "subservience like beasts," and by such theory and practice provoked a formidable reaction, which terminated in the annihilation of the Pythagorean "friends," and the renewal of the ancient federal constitution. But frantic party feuds, insurrections *en masse* of the slaves, social abuses of all sorts, attempts to carry out an impracticable state-philosophy, in short, all the evils of demoralized civilization raged incessantly in the Achæan communities, till under the accumulated pressure their political power was utterly broken.

It is no matter of wonder therefore that the Achæans settled in Italy exercised less influence on its civilization than the other Greek settlements there. An agricultural people, they had less occasion than those engaged in commerce to extend their influence beyond their political bounds. Within their own dominions they enslaved the native population, and crushed the germs of their national development as Italians, while they refused to open up to them, by means of complete Hellenization, a new career. In this way the

Greek characteristics, which were able elsewhere to retain a vigorous vitality notwithstanding all political misfortunes, disappeared more rapidly, more completely, and more ingloriously in Sybaris and Metapontum, in Croton and Posidonia, than in any other region; and the bilingual mongrel people, which arose in subsequent times out of the remains of the native Italians and Achæans and the more recent immigrants of Sabellian descent, never attained any real prosperity. This catastrophe, however, belongs in point of time to the succeeding period.

Iono-Dorian Towns.

The settlements of the other Greeks were of a different character, and exercised a very different effect upon Italy. They by no means despised agriculture and the acquisition of territory; it was not the wont of the Hellenes, at least after they reached their full vigour, to rest content after the manner of the Phœnicians with a fortified factory in the midst of a barbarian land. But all their cities were founded primarily and especially for the sake of trade, and accordingly, altogether differing from those of the Achæans, they were uniformly established beside the best harbours and landing-places. These cities were very various in their origin, and in the occasion and period of their respective foundations; but there subsisted between them certain points of common agreement or at least of contradistinction from the league of the Achæan cities—such as the common use by all of them of the more recent Greek alphabet,* and the very Dorism of their language, which pervaded at an early date even those towns, that, like Cumæ for example,† originally spoke the soft Ionic dialect. These settlements were of very various degrees of importance in their bearing on the development of Italy: it is sufficient at present to notice those which exercised a decided influence over the destinies of the Italian races, the Doric Tarentum, and the Ionic Cumæ.

Tarentum.

Of all the Hellenic settlements in Italy, Tarentum was destined to play the most brilliant part. The excellent harbour, the only good one on the whole southern coast,

* We mean the alphabet, which substituted for the old Oriental forms of the Iota 𐤉, Gamma 𐤂 or 𐌂, and Lambda 𐤋, forms less liable to be confounded, 𐌉 𐌒 𐌋, and regularly distinguished the P (r) which might easily be mistaken for 𐌓 (p) by a side-stroke as R.

† *e. g.*, the inscription on an earthen vase of Cumæ runs thus:—
Ταταίες ἐμὶ λέχυθος· Ϝὸς δ' ἂν με κλέφσει θυφλὸς ἔσται.

rendered the city the natural emporium for the traffic of the south of Italy, and for some portion even of the commerce of the Adriatic. The rich fisheries of its gulf, the production and manufacture of its excellent wool, and the dyeing of it with the purple juice of the Tarentine *murex* which rivalled that of Tyre—both branches of industry introduced there from Miletus in Asia Minor—employed thousands of hands, and added to their carrying trade a traffic of export. The coins struck at Tarentum in greater numbers than anywhere else in Grecian Italy, many of them even composed of gold, furnish to us expressive attestation of the lively and widely extended commerce of the Tarentines. At this epoch, when Tarentum was still contending with Sybaris for the first place among the cities of Lower Italy, its extensive commercial connections must have been already forming; but the Tarentines seem never to have steadily and successfully directed their efforts to the extension of their territory after the manner of the Achæan cities.

Greek cities near Vesuvius.

While the most easterly of the Greek settlements in Italy thus rapidly rose into splendour, those which lay furthest to the north, in the neighbourhood of Vesuvius, attained a more moderate prosperity. There the Cumæans had crossed from the fertile island of Ænaria (Ischia) to the mainland, and had built a second home on a hill close by the sea, from whence they founded the seaport of Dicæarchia (afterwards Puteoli), and the cities of Parthenope and Neapolis. They lived, like the Chalcidian cities generally in Italy and Sicily, in conformity with the laws which Charondas of Catana (about 100 U.C.) had established, under a constitution demo- 650.
cratic but modified by a high qualification, which placed power in the hands of a council of members selected from the wealthiest men—a constitution which proved lasting, and kept these cities free, upon the whole, from the tyranny alike of usurpers and of the mob. We know little as to the external relations of these Campanian Greeks. They remained, whether from necessity or from choice, confined to a district of even narrower limits than the Tarentines; and issuing from it, not for purposes of conquest and oppression, but to hold peaceful commercial intercourse with the natives, they created the means of a prosperous existence for themselves, and at the same time occupied the foremost place among the missionaries of Greek civilization in Italy.

Relations of the Adriatic regions to the Greeks.

While on the one side of the Straits of Rhegium the whole southern coast of the mainland and its western coast as far as Vesuvius, and on the other the larger eastern half of the island of Sicily, were Greek territory, the west coast of Italy to the north of Vesuvius, and the whole of the east coast were in a position essentially different. No Greek settlements arose on the Italian seaboard of the Adriatic; a fact which has an evident connection with the comparatively trifling number and subordinate importance of the Greek colonies planted on the opposite Illyrian shore and its numerous adjacent islands. There were indeed two considerable mercantile towns, Epidamnus (afterwards Dyr-
627. rachium, now Durazzo, 127 U. C.) and Apollonia (near Avlona,
587. about 167) founded upon the portion of this coast nearest to Greece during the regal period of Rome; but no old Greek colony can be pointed out further to the north, with the exception perhaps of the insignificant settlement at Black
580. Corcyra (Curzola, about 174 ?). No adequate explanation has yet been given why the Greek colonization developed itself in this direction to so meagre an extent. Nature herself appeared to direct the Hellenes thither, and in fact from the earliest times there existed a regular traffic to that region from Corinth, and still more from the settlement at Corcyra
710. (Corfu) founded not long after Rome (about 44); a traffic whose emporia on the Italian coast were the towns of Spina and Hatria, situated at the mouth of the Po. The storms of the Adriatic, the inhospitable character at least of the Illyrian coasts, and the barbarism of the natives are manifestly not in themselves sufficient to explain this fact. But it was a circumstance fraught with the most momentous consequences for Italy, that the elements of civilization which came from the east did not exert their influence on its eastern provinces directly, but reached them only through the medium of those that lay to the west. The Adriatic commerce carried on by Corinth and Corcyra was shared by the most easterly mercantile city of Magna Græcia, the Doric Tarentum, which by the possession of Hydrus (Otranto) had the command, on the Italian side, of the entrance of the Adriatic. Since, with the exception of the ports at the mouth of the Po, there were in those times no emporia worthy of mention along the whole east coast (the rise of Ancona belongs to a far later period, and later still the rise of Brundisium), it is very probable that the

mariners of Epidamnus and Apollonia frequently discharged their cargoes at Tarentum. The Tarentines had also much intercourse with Apulia by land; all the Greek civilization to be met with in the south-east of Italy owed its existence to them. That civilization, however, was during the present period only in its infancy; it was not until a later epoch that the Hellenism of Apulia became developed.

Relations of the Western Italians to the Greeks.

It cannot be doubted, on the other hand, that the west coast of Italy northward of Vesuvius was frequented in very early times by the Hellenes, and that there were Hellenic factories on its promontories and islands. Probably the earliest evidence of such voyages is the localizing of the legend of Odysseus on the coasts of the Tyrrhene Sea.* When men discovered the isle of Æolus in the Lipari Islands, when they pointed out at the Lacinian Cape the Isle of Calypso, at the Cape of Misenum that of the Sirens, at the Cape of Circeii that of Circe, when they recognized in the steep promontory of Terracina the towering mound of Elpenor, when the Læstrygones were provided with haunts near Caieta and Formiæ, when the two sons of Ulysses and Circe Agrius, that is the "wild," and Latinus were made to rule over the Tyrrhenes in the "inmost recess of the holy islands," or according to a more recent conception Latinus was called the son of Ulysses and Circe, and Auson the son of Ulysses and Calypso—we recognize in these legends ancient sailors' tales of the seafarers of Ionia, who thought of their native home as they traversed the Tyrrhene Sea. The same noble vividness of feeling which pervades the Ionic poem of the voyages of Odysseus is discernible in this fresh localization of its legend at Cumæ itself and throughout the regions frequented by the Cumæan mariners.

Other traces of such very ancient voyages are to be found in the Greek name of the island Æthalia (Ilva, Elba), which appears to have been (after Ænaria) one of the places earliest occupied by Greeks, perhaps also in that of the seaport Telamon in Etruria; and further in the two towns on

* Among Greek writers, this Tyrrhene legend of Odysseus makes its earliest appearance in the Theogony of Hesiod in one of its more recent sections, and then in authors of the period shortly before Alexander, Ephorus (from whom the so-called Scymnus drew his materials), and the writer known as Scylax. The first of these sources belongs to an age when Italy was still regarded by the Greeks as a group of islands, and is certainly therefore very ancient; so that the origin of these legends may, on the whole, be confidently placed in the regal period of Rome.

the Cærite coast, Pyrgi (near S. Severa) and Alsium (near Palo), the Greek origin of which is indicated beyond possibility of mistake, not only by their names, but also by the peculiar architecture of the walls of Pyrgi, which differs essentially in character from that of the walls of Cære and the Etruscan cities generally. Æthalia, the "fire-island," with its rich mines of copper and especially of iron, probably sustained the chief part in this northern commerce, and there in all likelihood the foreigners had their central settlement and seat of traffic with the natives; the more especially as they could not have found the means of smelting the ores on a small and not well-wooded island without intercourse with the mainland. The silver mines of Populonia also on the headland opposite to Elba were perhaps known already to the Greeks, and wrought by them.

If, as was undoubtedly the case, the foreigners, ever in these times intent on piracy and plunder as well as trade, did not fail, when opportunity offered, to levy contributions on the natives and to carry them off as slaves, the natives on their part exercised the right of retaliation; and that the Latins and Tyrrhenes retaliated with greater energy and better fortune than their neighbours in the south of Italy, is attested not merely by the legends to that effect, but by the practical result. In those regions the Italians succeeded in resisting the foreigners, and in retaining, or at any rate soon resuming, the mastery not merely of their own mercantile cities and seaports, but also of their own seas. The same Hellenic invasion which crushed and denationalized the races of the south of Italy, directed the energies of the people of Central Italy (very much indeed against the will of their instructors) towards navigation and the founding of towns. It must have been in this quarter that the Italians first exchanged the raft and the boat for the oared galley of the Phœnicians and Greeks. Here too we first encounter great mercantile cities, particularly Cære in southern Etruria and Rome on the Tiber, which, if we may judge from their Italian names as well as from their being situated at some distance from the sea, were, like the exactly similar commercial towns at the mouth of the Po, Spina and Hatria, and Ariminum further to the south, certainly not Greek, but Italian foundations. It is not in our power, as may easily be supposed, to exhibit the historical course of this earliest reaction of Italian nationality against foreign assault;

but we can still recognize the fact, which was of the greatest importance as bearing upon the further development of Italy, that this reaction took a different course in Latium and in southern Etruria from that which it exhibited in the properly Tuscan and adjoining provinces.

Hellenes and Latins.

Legend itself contrasts in a significant manner the Latin with the "wild Tyrrhenian," and the peaceful beach at the mouth of the Tiber with the inhospitable shores of the Volsci. This cannot mean that Greek colonization was tolerated in some of the provinces of Central Italy, but not permitted in others. Northward of Vesuvius there existed no independent Greek community at all in historical times; if Pyrgi once was such, it must have already reverted, before the period at which our tradition begins, into the hands of the Italians, or in other words of the Cærites. But in southern Etruria, in Latium, and likewise on the east coast, peaceful intercourse with foreign merchants was protected and encouraged; and such was not the case elsewhere. The position of Cære was especially remarkable. "The Cærites," says Strabo, "were held in much repute among the Hellenes for their bravery and integrity, and because, powerful though they were, they abstained from robbery." It is not piracy that is thus referred to, for in this the merchant of Cære must have indulged like the rest. But Cære was a sort of free port for Phœnicians as well as Greeks. We have already mentioned the Phœnician station—subsequently called Punicum—and the two Hellenic stations of Pyrgi and Alsium. It was these ports that the Cærites refrained from robbing, and it was beyond doubt through this tolerant attitude that Cære, which possessed but a wretched roadstead and had no mines in its neighbourhood, early attained so great prosperity, and acquired, in reference to the earliest Greek commerce, an importance even greater than the cities of the Italians destined by nature as emporia at the mouths of the Tiber and Po. The cities we have just named are those which appear as holding primitive religious intercourse with Greece. The first of all barbarians to present gifts to the Olympian Zeus was the Tuscan king Arimnus, perhaps a ruler of Ariminum. Spina and Cære had their special treasuries in the temple of the Delphic Apollo, like other communities that had regular dealings with the shrine; and the sanctuary at Delphi, as well as the Cumæan oracle, are interwoven with the earliest traditions of Cære and of

Rome. These cities, where the Italians held peaceful sway and had friendly traffic with the foreign merchant, became pre-eminently wealthy and powerful, and were in reality marts not only for Hellenic merchandise, but also for the germs of Hellenic civilization.

Hellenes and Etruscans. Etruscan maritime power.

Matters stood on a different footing with the "wild Tyrrhenians." The same causes which, in the province of Latium, and in the districts on the right bank of the Tiber and along the lower course of the Po that were perhaps rather subject to Etruscan supremacy than strictly Etruscan, had led to the emancipation of the natives from the maritime power of the foreigner led, in Etruria proper, to the development of piracy and maritime ascendancy, in consequence perhaps of the difference of national character disposing the people to violence and pillage, or it may be for other reasons with which we are not acquainted. The Etruscans were not content with dislodging the Greeks from Æthalia and Populonia; even the individual trader apparently was not tolerated by them, and soon Etruscan privateers roamed over the sea far and wide, and rendered the name of the Tyrrhenians a terror to the Greeks. It was not without reason that the Greeks reckoned the grapnel as an Etruscan invention, and called the western sea of Italy the sea of the Tuscans. The rapidity with which these wild corsairs multiplied and the violence of their proceedings, in the Tyrrhene Sea in particular, are very clearly shown in their establishment on the Latin and Campanian coasts. The Latins indeed maintained their ground in Latium proper, and the Greeks near Vesuvius; but between them and by their side the Etruscans held sway in Antium and in Surrentum. The Volscians became clients of the Etruscans; their forests contributed keels for the Etruscan galleys; and since the piracy of the Antiates did not terminate till the Roman occupation, it is easy to understand why the coast of the southern Volscians bore among Greek mariners the name of the Læstrygones. The high promontory of Sorrento and the cliff of Capri, which is still more precipitous but destitute of any harbour, both thoroughly adapted as stations for corsairs on the watch, commanding a prospect of the Tyrrhene Sea between the bays of Naples and Salerno, were early occupied by the Etruscans. They are affirmed even to have founded a "league of twelve towns" of their own in Campania, and communities speaking Etrus-

can still existed in its inland districts in times quite historical. These settlements were probably indirect results of the maritime dominion of the Etruscans in the Campanian seas, and of their rivalry with the Cumæans at Vesuvius.

The Etruscans however by no means confined themselves to robbery and pillage. The peaceful intercourse which they held with Greek towns is attested by the gold and silver coins which, from the year 200 U.C., were struck by the Etruscan cities, and in particular by Populonia, after a Greek model and a Greek standard. The circumstance, moreover, that these coins are modelled not upon those of Magna Græcia, but rather upon those of Attica and of Asia Minor, is perhaps an indication of the hostile attitude in which the Etruscans stood towards the Italian Greeks. For commerce they in fact enjoyed a most favourable position, far more advantageous than that of the inhabitants of Latium. Inhabiting the country from sea to sea, they commanded the great Italian free ports on the western waters, the mouths of the Po and the Venice of that time on the eastern sea, and the land route which from ancient times led from Pisæ on the Tyrrhene Sea to Spina on the Adriatic, while in the south of Italy they commanded the rich plains of Capua and Nola. They were the holders of the most important articles of Italian export, the iron of Æthalia, the copper of Volaterræ and Campania, the silver of Populonia, and the amber which was brought to them from the Baltic (P. 135). Under the protection of their privateering, which constituted as it were a rude navigation act, their own commerce could not fail to flourish. It need not surprise us to find Etruscan and Milesian merchants competing in the market of Sybaris, nor need we be astonished to learn that the combination of privateering and commerce on a great scale generated an unbounded and infatuated luxury, in which the vigour of Etruria early wasted away. 550.

While in Italy the Etruscans and, in a lesser degree, the Latins thus stood opposed to the Hellenes, warding them off, and partly treating them as enemies, their antagonism of necessity affected to some extent the rivalry which then pervaded the commerce and navigation of the Mediterranean, the rivalry between the Phœnicians and Hellenes. This is not the place to set forth in detail how, during the regal period of Rome, these two great nations contended for supremacy on all the shores of the Mediterranean, in Greece even Rivalry between the Phœnicians and Hellenes.

and Asia Minor, in Crete and Cyprus, on the African, Spanish, and Celtic coasts. This struggle did not take place directly on Italian soil, but its effects were deeply and permanently felt in Italy. The fresh energies and more universal endowments of the younger competitor had at first the advantage everywhere. Not only did the Hellenes rid themselves of the Phœnician factories in their own European and Asiatic home, but they dislodged the Phœnicians also from Crete and Cyprus, obtained a footing in Egypt and Cyrene, and possessed themselves of Lower Italy and the larger eastern half of the island of Sicily. On all hands the small trading stations of the Phœnicians gave way before the more
628. energetic colonization of the Greeks. Selinus (126 U. C.)
580. and Agrigentum (174 U. C.) were founded in western Sicily; the more remote western sea was traversed, Massilia was
600. built on the Celtic coast (about 150 U. C.), and the shores of Spain were explored by the bold Phocæans from Asia Minor. But about the middle of the second century the progress of Hellenic colonization was suddenly arrested, and there is no doubt that the cause of this arrest was the contemporary rapid development of Carthage, the most powerful of the Phœnician cities in Libya—a development manifestly due to the danger with which Hellenic aggression threatened the whole Phœnician race. If the nation which had opened up maritime commerce on the Mediterranean had been already dislodged by its younger rival from the sole command of the western half, from the possession of both lines of communication between the eastern and western basins of the Mediterranean, and from the monopoly of the carrying trade between east and west, the sovereignty at least of the seas to the west of Sardinia and Sicily might still be saved for the Orientals; and to its maintenance Carthage applied all the tenacious and circumspect energy peculiar to the Aramæan race. Phœnician colonization and Phœnician resistance assumed an entirely different character. The earlier Phœnician settlements, such as those in Sicily described by Thucydides, were mercantile factories: Carthage subdued extensive provinces with numerous subjects and powerful fortresses. Hitherto each Phœnician settlement had stood isolated in its opposition to the Greeks; now the powerful Libyan city centralized the whole war-resources of the race within its reach with a vigour to which the history of the Greeks can produce nothing

parallel. Perhaps the element in this reaction which exercised the most momentous influence in the sequel, was the closer relations with the natives of Sicily and Italy into which the weaker Phœnicians entered with the view of resisting the Hellenes. When the Cnidians and Rhodians made an attempt to establish themselves about 175 at Lilybæum, the centre of the Phœnician settlements in Sicily, they were expelled by the natives, the Elymi of Segeste, in concert with the Phœnicians. When the Phocæans settled about 217 at Alalia (Aleria) in Corsica opposite to Cære, there appeared for the purpose of expelling them a combined fleet of Etruscans and Carthaginians, numbering a hundred and twenty sail; and although in the naval battle that ensued—one of the earliest known in history—the fleet of the Phocæans, which was only half as numerous, claimed the victory, the Carthaginians and Etruscans gained the object which they had in view in the attack; the Phocæans abandoned Corsica, and preferred to settle at Hyele (Velia) on the less exposed coast of Lucania. A treaty between Etruria and Carthage not only established regulations regarding the importation of goods and the redress of rights, but included also an alliance-in-arms (συμμαχία), the serious import of which is shown by that very battle of Alalia. It is a significant indication of the position of the Cærites, that they stoned the Phocæan captives in the market at Cære, and then sent an embassy to the Delphic Apollo to atone for the crime.

Phœnicians and Italians in opposition to the Hellenes.

579.

537.

Latium did not join in these hostilities against the Hellenes; on the contrary we find friendly relations subsisting in very ancient times between the Romans and the Phocæans in Velia, as well as in Massilia, and the Ardeates are even said to have founded, in concert with the Zacynthians, a colony in Spain, the later Saguntum. Much less, however, did the Latins range themselves on the side of the Hellenes: the neutrality of their position in this respect is attested by the close relations maintained between Cære and Rome, as well as by the traces of ancient intercourse between the Latins and Carthaginians. It was through the medium of the Hellenes that the Canaanite race became known to the Romans, for, as we have already seen (P. 136), they always designated it by its Greek name; but the fact that they did not borrow from the Greeks either the name for the city of Carthage,*

*The Phœnician name was Karthada; the Greek, Karchedon; the Roman, Cartago.

or the national name of *Afri*,* and the circumstance that among the earlier Romans Tyrian wares were designated by the name *Sarranus* † which in like manner precludes the idea of Greek intervention, demonstrate what the treaties of a later period concur in proving, the direct commercial intercourse anciently subsisting between Latium and Carthage. The combined power of the Italians and Phœnicians actually succeeded in substantially retaining the western half of the Mediterranean in their hands. The north-western portion of Sicily, with the important ports of Soluntum and Panormus on the north-west, and Motya at the point which looks towards Africa, remained in the direct or indirect possession of the Carthaginians. About the age of Cyrus and Crœsus, when the wise Bias was endeavouring to induce the Ionians to emigrate in a body from Asia Minor,
550. and settle in Sardinia (about 200), the Carthaginian general Malchus anticipated them, and subdued a considerable portion of that important island by force of arms; half a century later, the whole coast of Sardinia appears in the undisputed possession of the Carthaginian community. Corsica on the other hand, with the towns of Alalia and Nicæa fell to the Etruscans, and the natives paid them tribute of the products of their poor island, pitch, wax, and honey. In the Adriatic sea, moreover, the allied Etruscans and Carthaginians predominated, as in the waters to the west of Sicily and Sardinia. The Greeks, indeed, did not give up the struggle. Those Rhodians and Cnidians, who had been driven out of Lilybæum, established themselves on the islands between Sicily and Italy, and founded there the town
579. of Lipara (175). Massilia flourished in spite of its isolation, and soon monopolized the trade from Nice to the Pyrenees. At the Pyrenees themselves, Rhoda (now Rosas) was established as an offset from Lipara, and it is affirmed that Zacynthians settled in Saguntum, and even that Greek

* The name *Afri*, already current in the days of Ennius and Cato (comp. *Scipio Africanus*), is certainly not Greek, and is most probably related to that of the Hebrews.

† The adjective *Sarranus* was from early times applied by the Romans to the Tyrian purple and Tyrian pipes; and it was in use also as a surname, at least from the time of the war with Hannibal. *Sarra*, which occurs in Ennius and Plautus as the name of the city, was perhaps formed from *Sarranus*, not directly from the native name *Sor*. The Greek form, *Tyrus*, *Tyrius*, seems not to occur in any Roman author anterior to Afranius (*ap. Fest.*, p. 355 M.). Compare Movers, *Phön.*, ii. 1, 174.

dynasts ruled in Tingis (Tangier) in Mauretania. But the Hellenes no longer gained ground; after the foundation of Agrigentum they did not succeed in acquiring any important additions of territory on the Adriatic or on the western sea, and they remained excluded from the Spanish waters, as well as from the Atlantic Ocean. Every year the Liparæans had their conflicts with the Tuscan "sea-robbers," and the Carthaginians with the Massiliots and the Cyrenæans, and above all with the Sicilian Greeks; but no results of permanent moment were on either side achieved, and the issue of struggles which lasted for centuries was, on the whole, the simple maintenance of the *status quo*.

Thus Italy was, indirectly at any rate, indebted to the Phœnicians for the exemption of at least her central and northern provinces from colonization, and for the counter-development of a national maritime power there, especially in Etruria. But there are not wanting indications that the Phœnicians already found it expedient to manifest that jealousy, which is usually associated with naval domination, if not in reference to their Latin, at any rate in reference to their Etruscan confederates whose naval power was greater. The statement as to the Carthaginians having prohibited the sending forth of an Etruscan colony to the Canary islands, whether true or false, reveals the existence of a rivalry of interests in the case.

CHAPTER XI.

LAW AND JUSTICE.

Modern character of Italian culture.

HISTORY, as such, cannot reproduce the life of a people in the infinite variety of its details; it must be content with exhibiting the development of that life as a whole. The doings and dealings, the thoughts and imaginings of the individual, however strongly they may reflect the characteristics of the national mind, form no part of history. Nevertheless it seems necessary to make some attempt to indicate (although it were only in the most general outlines) the features of individual life in the case of those earlier ages which are, so far as history is concerned, all but lost in oblivion; for it is in this field of research alone that we acquire some idea of the breadth of the gulf which separates our modes of thinking and feeling from those of the civilized nations of antiquity. Tradition, with its confused mass of national names and its dim legends, resembles withered leaves which we with difficulty recognize to have once been green. Instead of threading that dreary maze, and attempting to classify those offscourings of humanity, the Chones and Œnotrians, the Siculi and the Pelasgi, it will be more to the purpose to inquire how the life of the people in ancient Italy expressed itself, practically, in their jurisprudence and, ideally, in their religion; how they farmed and how they traded; and whence the several nations there derived the art of writing and other elements of culture. Scanty as our knowledge in this respect is in reference to the Roman people, and still more so in reference to the Sabellians and Etruscans, even the slight and very defective information which is attainable will enable the mind to associate with these names some more or less clear conception

of the once living reality. The chief result of such a view (as we may here mention by way of anticipation) may be summed up in saying that fewer traces comparatively of the primitive state of things have been preserved in the case of the Italians and the Romans in particular than in the case of any other Indo-Germanic race. The bow and arrow, the war-chariot, the incapacity of women to hold property, the acquiring of wives by purchase, the primitive form of burial, human sacrifices, blood-revenge, the clan-constitution conflicting with the authority of the community, a lively natural symbolism—all these, and numerous phenomena of a kindred character, must be presumed to have lain at the foundation of civilization in Italy as well as elsewhere; but at the epoch when that civilization comes clearly into view they have wholly disappeared, and it is only the comparison of kindred races which informs us that such things once existed. In this respect Italian history begins at a far later stage of civilization than, *e. g.* the Greek or the Germanic, and from the first it exhibits a comparatively modern character.

The laws of most of the Italian stocks are lost in oblivion. Some information regarding the law of the Latin land alone has survived in Roman tradition.

Jurisdiction.

All jurisdiction was vested in the community, or in other words, in the king, who administered justice or "command" (*jus*), on "days lawful for utterance" (*dies fasti*), at the "judgment platform" (*tribunal*) in the place of public assembly, sitting on a "chariot-seat" (*sella curulis*);* at his side stood his "messengers" (*lictores*), and before him the person accused, or the "parties" (*rei*). In the case of slaves the right of decision lay immediately with the master, and in the case of women with the father, husband, or nearest male relative (P. 60); but slaves and women were not reckoned as being properly members of the community. Over sons and grandsons who were *in potestate* the power of the *pater familias* subsisted concurrently with the royal jurisdiction; that power, however, was not a jurisdiction in the proper

* This "chariot-seat"—no other explanation can well be given, consistently with philological rules (comp. *Serv. ad. Æn. i. 16*)—probably derived its name from the circumstance that the king alone was entitled to ride in a chariot within the city (whence originated the privilege subsequently accorded to the chief-magistrate on solemn occasions), and that originally, so long as there was no elevated tribunal, he rode to the comitium in his chariot and gave judgment from the chariot-seat.

sense of the term, but simply a consequence of the father's inherent right of property in his children. We find no traces of any jurisdiction appertaining to the *gentes* as such, or of any judicature at all that did not derive its authority from the king. As regards the right of self-redress and in particular the avenging of blood, we still find in legends an echo perhaps of the original principle that a murderer, or any one who should illegally protect a murderer, might justifiably be slain by the kinsmen of the person murdered; but these very legends characterize such a principle as objectionable,* and from their statements blood-revenge would appear to have been early suppressed in Rome by the energetic assertion of the authority of the state. In like manner we perceive in the earliest Roman law no trace of that influence which under the oldest Germanic institutions the comrades of the accused and the people present were entitled to exercise over the pronouncing of judgment; nor do we find in the former any evidence of the usage so frequent in the latter, by which the mere will and power to maintain a claim with arms in hand were treated as judicially necessary, or at any rate admissible.

Crimes.

Judicial procedure took the form of a public or a private process, according as the king interposed of his own motion, or only when appealed to by the injured party. The former course was taken only in cases which involved a breach of the public peace. First of all, therefore, it was applicable in the case of public treason or communion with the public enemy (*proditio*), and in that of violent rebellion against the magistracy (*perduellio*). But the public peace was also broken by the foul murderer (*paricida*), the sodomite, the violator of a maiden's or matron's chastity, the incendiary, the false witness, by those, moreover, who with evil spells con-

* The story of the death of King Tatius, as given by Plutarch (*Rom.* 23, 24), viz., that kinsmen of Tatius had killed envoys from Laurentum; that Tatius had refused the complaint of the kinsmen of the slain for redress; that they then put Tatius to death; that Romulus acquitted the murderers of Tatius, on the ground that murder had been expiated by murder; but that in consequence of the penal judgments of the gods that simultaneously fell upon Rome and Laurentum, the perpetrators of both murders were in the sequel subjected to righteous punishment—this story looks very like a historical version of the abolition of blood-revenge, just as the introduction of the *provocatio* lay at the foundation of the myth of the Horatii. The versions of the same story that occur elsewhere certainly present considerable variations, but they seem to be confused or dressed up.

jured away the harvest, or who without due title cut the corn by night in the field intrusted to the protection of the gods and of the people; all of these were therefore dealt with as though they had been guilty of high treason. The king opened and conducted the process, and pronounced sentence after conferring with the senators whom he had called in to advise with him. He was at liberty, however, after he had initiated the process, to commit the further handling and the adjudication of the matter to deputies, who were, as a rule, taken from the senate. The commissioners for adjudicating on rebellion (*duoviri perduellionis*) were extraordinary deputies of this sort. The "trackers of murder" (*quæstores parricidii*) appear to have been standing deputies, whose primary duty was to search for and arrest murderers, and who therefore acted as a sort of police. The three "night-masters" also (*tres viri nocturni* or *capitales*), who were charged with the duties of a nocturnal police in guarding against fire or other dangers and with the superintendence of public executions, and in that capacity probably acquired at an early date a certain summary jurisdiction, were already perhaps in existence at this period. Imprisonment while the case was undergoing investigation was the rule; the accused might, however, be released on bail. Torture to compel confession was only applied to slaves. Every one convicted of having broken the public peace expiated his offence with his life. The modes of inflicting capital punishment were various: the false witness, for example, was hurled from the stronghold-rock; the harvest-thief was hanged; the incendiary was burnt. The king could not grant a pardon, for that privilege was vested in the community alone; but the king might grant or refuse to the condemned permission to appeal for mercy (*provocatio*). In addition to this the law recognized an intervention of the gods in favour of the condemned criminal. He who had made a genuflection before the priest of Jupiter might not be scourged on the same day; any one under fetters who set foot in his house had to be released from his bonds, and the life of a criminal was spared if on his way to execution he accidentally met one of the sacred virgins of Vesta.

Punishment of offences against order.

The king inflicted at his discretion fines payable to the state for trespasses against order and for police offences; they consisted in a definite number (hence the name *multa*) of cattle or sheep. It was in his power also to pronounce sentence of scourging.

Law of private offences.

In all other cases, where the individual alone was injured and not the public peace, the state only interposed upon the appeal of the party injured, who caused his opponent, or in case of need by laying violent hands on him compelled him, to appear personally along with himself before the king. When both parties had appeared, and the plaintiff had orally stated his demand, and the defendant had in similar fashion refused to comply with it, the king might either investigate the cause himself or have it disposed of by a deputy acting in his name. The regular form of satisfaction for such an injury was a compromise arranged between the injurer and the injured; the state only interfered supplementarily, when the thief did not satisfy the person from whom he had stolen or the aggressor the party aggrieved by an adequate expiation (*pœna*), when any one had his property detained or his just demand unfulfilled.

Theft.

Whether or under what circumstances during this epoch theft was regarded as expiable, and what in such an event the person injured was entitled to demand from the thief, cannot be ascertained. But the injured party with reason demanded heavier compensation from a thief caught in the very act than from one detected afterwards, since the feeling of exasperation which had to be appeased was more vehement in the case of the former than in that of the latter. If the theft appeared incapable of expiation, or if the thief was not in a position to pay the value demanded by the injured party and approved by the judge, he was assigned by the judge to the person from whom he had stolen as a bondsman.

Injuries.

In cases of damage (*injuria*) to person or to property, where the injury was not of a very serious description, the aggrieved party was probably obliged unconditionally to accept compensation; if, on the other hand, any member was lost in consequence of it, the maimed person could demand eye for eye and tooth for tooth.

Property

Since the arable land among the Romans was long cultivated upon the system of joint possession and was not distributed until a comparatively late age, the idea of property was primarily associated not with immoveable estate, but with "estate in slaves and cattle" (*familia pecuniqque*). It was not the right of the stronger that was regarded as the foundation of a title to it; on the contrary the soil in the first instance, and then property in general, were considered as

conferred by the community upon the individual burgess for his exclusive possession and use; accordingly, it was only the burgesses and such as the community treated in this respect as equal to burgesses that were capable of holding property. All property passed freely from hand to hand. The Roman law made no substantial distinction between moveable and immoveable estate, and recognized no absolute vested interest of children or other relatives in the paternal or family property. Nevertheless, it was not in the power of the father arbitrarily to deprive his children of their hereditary rights, because he could neither dissolve the paternal power nor execute a testament except with consent of the whole community, which might be, and certainly under such circumstances often was, refused. In his life-time no doubt the father might make dispositions disadvantageous to his children; for the law was sparing of personal restrictions on the proprietor, and allowed, upon the whole, every grown-up man freely to dispose of his property. The regulation, however, under which he who alienated his hereditary property and deprived his children of it was placed by order of the magistrate under guardianship like a lunatic, was probably as ancient as the period when the arable land was divided and in consequence private property in general acquired greater importance for the commonwealth. In this way the two antagonistic principles, the unlimited right of the owner to dispose of his own and the preservation of the family property unbroken, were as far as possible harmonized in the Roman law. Permanent restrictions on property were in no case allowed, with the exception of servitudes such as those indispensable in husbandry. Heritable leases and ground-rents charged upon property could not legally exist. The law as little recognized mortgaging, but the same purpose was served by the immediate delivery of the property in pledge to the creditor as if he were a purchaser, who thereupon gave his word of honour (*fiducia*) that he would not alienate the pledge until the payment fell due, and would restore it to his debtor when the sum advanced had been repaid.

Contracts concluded between the state and a burgess, particularly the obligation given by those who became sureties for a payment to the state (*prædes, prædes*), were valid without further formality. On the other hand, contracts between private persons under ordinary circumstances Contracts.

founded no claim for legal redress at the hands of the state. The only protection of the creditor was the debtor's word of honour, which was held in high esteem after the wont of merchants, and possibly also in those cases where an oath had been added, as was frequently done, the fear of the gods who avenged perjury. The only contracts legally actionable were those of betrothal (the effect of which was that the father, in the event of his failing to give the promised bride, had to furnish satisfaction and compensation), of purchase (*mancipatio*), and of loan (*nexum*). A purchase was held to be legally concluded when the seller delivered the article purchased into the hand of the buyer (*mancipare*), and the buyer at the same time paid to the seller the stipulated price in presence of witnesses. This was done, after copper superseded sheep and cattle as the regular standard of value, by weighing out the stipulated quantity of copper in a balance adjusted by a neutral person.* These conditions having been complied with, the seller had to answer for his being the owner, and further, seller and purchaser had to fulfil every stipulation specially agreed upon; the party failing to do so made reparation to the other, just as if he had robbed him of the article in question. But a purchase only founded an action in the event of its being a transaction for ready money: a purchase on credit neither gave nor took away the right of property, and could form no ground of action. A loan was negociated in a similar way; the creditor weighed over to the debtor in presence of witnesses the stipulated quantity of copper under the obligation

* The *mancipatio*, as we know it, must have been more recent than the Servian reform, as the five *testes classici* and the selection of mancipable objects, which had for its aim the fixing of agricultural property, serve to show; even tradition must have assumed that such was the case, for it makes Servius the inventor of the balance. But in substance the *mancipatio* must be far more ancient, for it is primarily applicable only to objects which are acquired by grasping with the hand, and must therefore, in its earliest form, have belonged to the epoch when property mainly consisted in slaves and cattle (*familia pecuniaque*). The number of witnesses, and the enumeration of those objects, which had to be acquired by *mancipatio*, would in this view undergo revision when the constitution was reformed; the *mancipatio* itself, and consequently the use also of the balance and of copper, are more ancient. Beyond doubt, *mancipatio* was originally the universal form of purchase, and was the practice followed with all articles even after the Servian reform; it was only a misunderstanding of later ages which put upon the rule that certain articles must be transferred by *mancipatio*, the construction that such articles alone could be so transferred.

(*nexum*) of repayment. In addition to the capital, the debtor had to pay interest, which under ordinary circumstances probably amounted to ten per cent. per annum.* The repayment of the loan took place, when the time came, with similar forms. If a debtor did not fulfil his obligations towards the state, he was without further ceremony sold with all that he had; the simple demand on the part of the state was sufficient to establish the debt. If on the other hand a private person lodged information with the king as to the deforcement of his property (*vindiciæ*), or if repayment of the loan received did not duly take place, the procedure depended on whether the facts relating to the cause required to be established by proof or were already clear. The latter cannot well be conceived in the case of actions as to property, but in actions as to loans the ground of action could be easily established according to the current rules of law by means of witnesses. The establishment of the facts assumed the form of a wager, in which each party made a deposit (*sacramentum*) against the contingency of his being worsted; in important causes when the value involved was greater than ten oxen, a deposit of five oxen, in causes of less amount, a deposit of five sheep. The judge then decided who had gained the wager, whereupon the deposit of the losing party fell to the priests for behoof of the public sacrifices. The party who lost the wager and allowed thirty days to elapse without giving due satisfaction to his opponent; and the party whose obligation to pay was established from the first (and consequently, as a rule, the debtor who had got a loan and had no witnesses to attest repayment) became liable to proceedings in execution, "by laying on of hands" (*manus injectio*); the plaintiff seized him wherever he found him, and brought him to the bar of the judge simply to demand the acknowledged debt. The party seized was not allowed to defend himself; a third party might indeed intercede for him and represent this act of violence as unwarranted (*vindex*), in which case the proceedings were stayed; but such an intercession rendered the intercessor personally responsible, for which reason, in the case of freeholders, other freeholders alone could act as intercessors. If neither satisfaction nor intercession took place, the king

Private process.

* Viz., for the year of ten months one twelfth part of the capital (*uncia*), which amounts to $8\frac{1}{3}$ per cent. for the year of ten, and 10 per cent. for the year of twelve months.

assigned the party seized in execution to his creditor, so that he could lead him away and keep him like a slave. After the expiry of sixty days, during which the debtor was three times exposed in the market-place, and proclamation was made whether any one would have compassion upon him (if these steps were without effect), his creditors had a right to put him to death and to divide his carcase, or to sell him with his children and his effects into foreign slavery, or to keep him at home as a substitute for a slave; he could not by the Roman law, so long as he remained within the bounds of the Roman community, become absolutely a slave (P. 110). It was thus that the Roman community protected every man's estate and effects with unrelenting rigour as well from the thief and the injurer, as from the unauthorized possessor and the insolvent debtor.

Guardianship.

Protection was in like manner provided for the estate of persons not capable of bearing arms and therefore not capable of protecting their own property, such as minors and lunatics, and above all for that of women; in these cases the nearest heirs were called to undertake the guardianship.

Law of inheritance.

After a man's death his property fell to the nearest heirs: in the division all who were equal in proximity of relationship, women included, shared alike, and the widow along with her children was admitted to her proportional share. A dispensation from the legal order of succession could only be granted by the assembly of the people; previous to which the consent of the priests had to be obtained on account of the religious obligations attaching to property. Such dispensations appear nevertheless to have become at an early period very frequent. In the event of a dispensation not being procured, the want could be in some measure remedied by means of the completely free power to dispose of his property, which belonged to every one during his lifetime. His whole property was transferred to a friend who distributed it after death according to the wishes of the deceased.

Emancipation.

Emancipation was unknown to the law of very early times. The owner might indeed refrain from exercising his proprietary rights; but this did not cancel the existing impossibility that master and slave could contract mutual obligations; still less did it enable the slave to acquire, in relation to the community, the rights of a guest or of a

burgess. Accordingly emancipation must have been at first simply a fact, not a right; and the master cannot have been debarred from the possibility of again at pleasure treating the freedman as a slave. But there was a departure from this principle in cases where the master came under obligation not merely towards the slave, but towards the community, to leave him in possession of freedom. There was no special legal form, however, for thus binding the master (the best proof that there was at first no such thing as an emancipation); but those methods which the law otherwise presented, testament, action, or census, were employed for this object. If the master had either declared his slave free when executing his last will in the assembly of the people, or had allowed his slave to claim freedom in his own presence before a judge or to get his name inscribed in the valuation-roll, the freedman was regarded not indeed as a burgess, but as free in relation even to his former master and his heirs, and he was accordingly looked upon at first as a client, and in later times as a plebeian (P. 90).

The emancipation of a son encountered greater difficulties than that of a slave; for while the relation of master to slave was accidental, and therefore capable of being dissolved at will, the father could never cease to be father. Accordingly in later times the son was obliged, in order to get free from the father, to enter first into slavery and then to be emancipated as from that condition; but in the period now before us no emancipation of sons can have yet existed.

Clients and foreigners.

Such were the laws under which burgesses and clients lived in Rome. Between these two classes, so far as we can see, there subsisted from the beginning the fullest equality of private rights. The foreigner on the other hand, if he had not betaken himself to a Roman patron and so lived as a client, was beyond the pale of the law, both in person and in property. Whatever the Roman burgess took from him was as rightfully acquired as was the shell-fish belonging to nobody which was picked up by the sea-shore. Only, in the case of ground lying beyond the Roman bounds, while a Roman burgess might take practical possession of it, he could not be regarded as in a legal sense its proprietor; for it was the community alone that could advance the community's bounds. The case was different in war: whatever the soldier who was fighting in the ranks of the levy gained, whether moveable or immoveable property, fell not to him,

but to the state, and accordingly here too it depended upon the state whether or not it would advance its bounds.

There were exceptions from these general rules, created by special state-treaties, which secured certain rights to the members of foreign communities within the Roman state. In particular, the perpetual league between Rome and Latium declared all contracts between Romans and Latins to be valid in law, and at the same time instituted in reference to them a speedy civil process before sworn "recoverers" (*reciperatores*). As contrary to the Roman usage, which in other instances committed the decision to a single judge, these always sat several in number and that number uneven, they are probably to be regarded as a court for the cognizance of commercial dealings, composed of arbiters from both nations and an umpire. They sat in judgment at the place where the contract was entered into, and they were obliged to have the process terminated at latest in ten days. The forms, under which the dealings between Romans and Latins were conducted, were of course the general forms which regulated the mutual dealings of patricians and plebeians; for the *mancipatio* and the *nexum* were originally no mere formal acts, but the significant embodiment of legal ideas which held a sway at least as extensive as the range of the Latin language.

Dealings with countries strictly foreign were carried on in a different fashion and by means of other forms. In very early times treaties as to commerce and legal redress must have been entered into with the Cærites and other friendly peoples, and must have formed the basis of that international private law (*jus gentium*), which gradually became developed in Rome alongside of the law of the land. An indication of the formation of such a system is found in the remarkable *mutuum*, "exchange" (from *mutare* like *dividuus*); a form of loan, which was not based like the *nexum* upon a binding declaration of the debtor expressly emitted before witnesses, but upon the mere transit of the money from one hand to another, and which as evidently originated in dealings with foreigners as the *nexum* in business dealings at home. It is accordingly a significant fact that the word reappears in Sicilian Greek as *μοῖτον*; and with this there is to be connected the reappearance of the Latin *carcer* in the Sicilian *κάρκαρον*. Since it is philologically certain that both words were originally Latin, their occurrence in the local dialect

of Sicily becomes an important testimony to the frequency of the dealings of Latin traders in the island, which led to their borrowing money there, and to their becoming liable to that imprisonment for debt, which was everywhere in the earlier systems of law the consequence of the non-repayment of a loan. Conversely the name of the Syracusan prison, "stone-quarries" or λατομίαι, was transferred at an early period to the enlarged Roman state-prison, the *lautumiæ*.

Character of the Roman law.

We have derived our outline of these institutions mainly from the earliest record of the Roman common law, prepared about half a century after the abolition of the monarchy, and their existence in the regal period, while doubtful perhaps as to particular points of detail, cannot be doubted in the main. Surveying them as a whole, we recognize the law of a far-advanced agricultural and mercantile city, marked alike by its liberality and its consistency. In its case, the conventional language of symbols, such as, *e. g.* the Germanic laws exhibit, has already quite disappeared. There is no doubt that such a symbolic language must have existed at one time among the Italians. Remarkable instances of it are to be found in the form of searching a house, wherein the searcher must, according to the Roman as well as the Germanic custom, appear without upper garment merely in his shirt; and especially in the primitive Latin formula for declaring war, in which we meet with at least two symbols occurring also among the Celts and the Germans; the "pure herb" (*herba pura*, Franconian *chrene chruda*) as a symbol of the native soil, and the singed bloody staff as a sign of commencing war. But with a few exceptions, in which reasons of religion conduced to the protection of the ancient usages (a class to which the *confarreatio* belonged as well as the declaration of war by the college of Fetiales), the Roman law, as we know it, uniformly and on principle rejects the symbol, and requires in all cases neither more nor less than the full and pure expression of will. The delivery of an article, the summons to bear witness, the conclusion of marriage, were complete as soon as the parties had in an intelligible manner declared their purpose; it was usual, indeed, to deliver the object into the hand of the new owner, to pull the person summoned to bear witness by the ear, to veil the bride's head and to lead her in solemn procession to her husband's house; but all these primitive

practices were already, under the oldest national law of the Romans, customs legally worthless. In a way entirely analogous to the setting aside of all allegory and with it of all personification in religion, every sort of symbolism was on principle expelled from their law. In like manner that earliest state of things presented to us by the Hellenic as well as the Germanic institutions, wherein the power of the community still conflicts with the authority of those smaller associations of clans or cantons that have arisen within it, is in Roman law wholly superseded. There is no mutual alliance, offensive and defensive, for the vindication of law within the state, to supplement its imperfect power of furnishing redress; nor is there any serious trace of vengeance for bloodshed, or of family property being tied up so as to restrict the individual power of disposal. Such institutions must probably at one time have existed among the Italians; traces of them may perhaps be found in particular institutions of ritual, *e. g.* in the expiatory goat, which the involuntary homicide was obliged to give to the nearest of kin to the slain; but even at the earliest period of Rome which we can conceive this stage had long been passed. The clan and the family were not annihilated in the Roman community; but the theoretical as well as the practical omnipotence of the state in its own sphere was no more limited by them than by the liberty which the state granted and guaranteed to the burgess. The ultimate foundation of law was in all cases the state; liberty was simply another expression for the right of citizenship in its widest sense; all property was based on express or tacit transference from the community to the individual; a contract was valid only so far as the community by its representatives attested it, a testament only so far as the community confirmed it. The provinces of public and private law were definitely and clearly discriminated, the former having reference to crimes against the state, which immediately called for the interference of the judicatories of the state and always involved capital punishment; the latter having reference to offences against a fellow-burgess or a guest, which were mainly disposed of in the way of compromise by expiation or satisfaction made to the party injured, and were never punished with the forfeit of life, but, at the most, with the loss of liberty. The greatest liberality in the permission of commerce and the most rigorous procedure in execution went hand in hand,

just as in commercial states at the present day the universal right to draw bills of exchange appears in conjunction with a strict procedure in regard to them. The burgess and the client stood in their dealings on a footing of entire equality; state treaties conceded a comprehensive equality of rights also to the guest; women were placed completely on a level in point of legal capacity with men, although restricted in administering their property; the boy had scarcely grown up when he received at once the most comprehensive powers in the disposal of his property, and one who had at all the power of disposal was in his own sphere as sovereign as was in its public province the state. A feature eminently characteristic was the system of credit. There did not exist any credit on landed security, but instead of a debt on mortgage the step which constitutes at present the final stage in mortgage-procedure, the delivery of the property from the debtor to the creditor, took place at once. On the other hand, personal credit was guaranteed in the most summary and extravagant fashion; for the law entitled the creditor to treat his insolvent debtor like a thief, and granted to him in sober earnest by legislative enactment what Shylock, half in jest, stipulated for from his mortal enemy, guarding indeed by special clauses the point as to cutting off too much more carefully than did the Jew. The law could not have more clearly expressed its design, which was to establish at once an independent agriculture free of debt and a mercantile credit, and to suppress with stringent energy all merely nominal ownership and all breaches of fidelity. If we further take into consideration the right of settlement recognized at an early date as belonging to all the Latins (P. 111), and the validity which was likewise early pronounced to belong to civil marriage (P. 93), we shall perceive that this state, which made the highest demands on its burgesses and carried the idea of subordinating the individual to the interest of the whole further than any state before or since has done, only did and only could do so, by itself removing the barriers to intercourse and unshackling liberty quite as much as it subjected it to restriction. In permission or in prohibition the law was always absolute. As the foreigner who had none to intercede for him was like a baited stag, so the guest was on a footing of equality with the burgess. A contract did not ordinarily constitute a ground of action, but where the right of the creditor was acknowledged, it was so all-powerful

that there was no deliverance for the poor debtor, and no humane or equitable consideration was shown towards him. It looked as if the law found a pleasure in presenting on all sides its sharpest spikes, in drawing the most extreme consequences, in forcibly obtruding on the bluntest understanding the tyrannic nature of the idea of right. The poetical form, and the genial symbolism, which so pleasingly prevail in the Germanic legal ordinances, were foreign to the Roman; in his law all was clear and precise, no symbol was employed, no institution was superfluous. It was not cruel; everything necessary was performed without tedious ceremony, even the punishment of death; that a free man could not be tortured was a primitive maxim of Roman law, to obtain which other peoples have had to struggle for thousands of years. But that law was frightful in its inexorable severity, which we cannot suppose to have been very greatly mitigated by humanity in practice, for it was indeed national law—more terrible than roofs of lead and chambers of torture was that series of living entombments which the poor man saw yawning before him in the debtors' towers of the rich. But the greatness of Rome was involved in, and was based upon, the fact that the Roman people ordained for itself and endured a system of law, in which the eternal principles of liberty and of subordination, of property and of rightful redress, reigned and still at the present day reign unadulterated and unmodified.

CHAPTER XII.

RELIGION.

The gods.

THE Roman world of gods, as we have already indicated (P. 28), was a higher counterpart, an ideal reflection, of the earthly Rome, in which the little and the great were alike reproduced with painstaking exactness. The state and the clan, the individual phenomena of nature as well as the individual operations of mind, every man, every place and object, every act even falling within the sphere of Roman law, reappeared in the Roman world of gods; and, as earthly things come and go in perpetual flux, the circle of the gods underwent a corresponding fluctuation. The tutelary spirit, which presided over the individual act, lasted no longer than that act itself: the tutelary spirit of the individual man lived and died with the man; and eternal duration belonged to divinities of this sort only in so far as similar acts and similarly constituted men and therefore spirits of a similar kind were ever coming into existence afresh. As the Roman gods ruled over the Roman community, so every foreign community was presided over by its own gods; but strict as was the distinction between the burgess and non-burgess, between the Roman and the foreign god, both foreign men and foreign divinities might be admitted by resolution of the community to the freedom of Rome, and when the citizens of a conquered city were transported to Rome, the gods of that city were also invited to take up their new abode there.

It is no part of our present task to consider the Roman deities in detail; but it is important, even in an historical point of view, to call attention to the peculiar narrowness of conception and at the same time the deeply rooted earnestness that marked the Roman faith. Abstraction and per-

sonification lay at the root of the Roman as well as of the Hellenic mythology: the Hellenic as well as the Roman god was originally suggested by some natural phenomenon or some mental conception, and to the Roman just as to the Greek every divinity appeared a person. This is evident from their apprehending the individual gods as male or female; from their style of appeal to an unknown deity,—"Be thou god or goddess, man or woman;" and from the deeply cherished belief that the name of the true tutelary spirit of the community ought to remain for ever unpronounced, lest an enemy should come to learn it and calling the god by his name should entice him beyond the bounds. A remnant of this strongly sensuous view clung to Mars in particular, the oldest and most national form of divinity in Italy. But while abstraction, which lies at the foundation of every religion, elsewhere endeavoured to rise to wider and more enlarged conceptions, and to penetrate ever more deeply into the essence of things, the forms of the Roman faith remained at, or sank to, a singularly low level of conception and of insight. While in the case of the Greek every important notion speedily expanded into a group of forms, and gathered around it a circle of legends and ideas, in the case of the Roman the fundamental thought remained stationary in its original naked rigidity. The religion of Rome had nothing of its own peculiar growth even remotely parallel to the religion of Apollo investing earthly morality with its halo of glory, to the divine intoxication of Dionysus, or to the Chthonian and mystical worships with their profound and hidden meanings. It had indeed its "bad god" (*Ve-diovis*), its deities of foul air, of fever, of diseases, perhaps even of theft (*Laverna*), its apparitions and ghosts (*Lemures*); but it was unable to excite that mysterious awe after which the human heart has ever a longing, or thoroughly to incorporate the incomprehensible and even the malignant elements in nature and in man, which must not be wanting in religion if it would reflect man as a whole. In the religion of Rome there was hardly anything secret except the names of the gods of the city, the Penates; the real character, moreover, even of these gods was manifest to every one.

The national Roman theology sought on all hands to form distinct conceptions of important phenomena and qualities, to express them in its terminology, and to classify them systematically (primarily according to that division of

persons and things which also formed the basis of private law), that it might thus be able in due fashion to invoke the gods individually or by classes, and to point out (*indigitare*) to the multitude the modes of appropriate invocation. Of such notions, the products of outward abstraction, of the homeliest simplicity sometimes venerable sometimes ridiculous, Roman theology was in substance made up. Conceptions such as Sowing (*Sæturnus*) and Field-labour (*Ops*), Blossom (*Flora*), War (*Bellona*), Boundary (*Terminus*), Youth (*Juventus*), Health (*Salus*), Faithfulness (*Fides*), Harmony (*Concordia*), were among the oldest and most sacred of Roman divinities. Perhaps the most peculiar of all the forms of deity in Rome, and probably the only one for whose worship there was devised an effigy peculiarly Italian, was the double-headed Ianus; and yet it was simply suggestive of the idea so characteristic of the scrupulousness of the religious sentiment in Rome, that at the commencement of every act the "spirit of opening" should first be invoked, while it especially betokened the deep conviction that it was as indispensable to combine the Roman gods in sets as it was necessary that the more personal gods of the Hellenes should stand singly and apart.* Of all the worships of Rome that which perhaps had the deepest hold was the worship of the tutelary spirits that presided in and over the household and the store-chamber: these were in public worship Vesta and the Penates, and in family worship the gods of forest and field the Silvani, and above all the gods of the household in its strict sense, the Lases or Lares, to whom their share of the family meal was regularly assigned, and before whom it was, even in the time of Cato the elder, the first duty of the father of the household on returning home to perform his devotions. In the ranking of the gods, however,

* The facts, that gates and doors and the morning (*Ianus matutinus*) were sacred to Ianus, and that he was always invoked before any other god and was even represented in the series of coins before Jupiter and the other gods, indicate unmistakeably that he was the abstraction of opening and beginning. The double-head looking both ways was connected with the gate that opened both ways. To make him god of the sun and of the year is the less justifiable, because the month that bears his name was originally the eleventh, not the first; that month seems rather to have derived its name from the circumstance, that at this season after the rest of the middle of winter the cycle of the labours of the field began afresh. It was, moreover, a matter of course that the opening of the year should also be included in the sphere of Ianus, particularly after Ianuarius came to be placed at its head.

these spirits of the house and of the field occupied the lowest rather than the highest place; it was (and it could not be otherwise with a religion which renounced all attempts to idealize) not in the broadest and most general, but in the simplest and most individual abstraction, that the pious heart found most nourishment.

This indifference to ideal elements in the Roman religion was accompanied by a practical and utilitarian tendency. The divinity who next to the gods of the house and the forest was held in most general reverence, not merely among the Latins, but also among the Sabellian stocks, was Herculus or Hercules, the god of the enclosed homestead (from *hercere*), and thence in general the god of property and of gain. Nothing was more common in Roman life than for a man to make a vow to present to this god the tenth part of his property at the "chief altar" (*ara maxima*) in the cattle-market for the averting of threatened losses or the securing of desired gains. At this same altar it was customary to conclude contracts and to confirm them by oath; on which account Hercules himself came early to be identified with the god of good faith (*Deus Fidius*). It was no mere result of accident that this tutelary god of speculation was, to employ the language of an ancient author, reverenced in every spot of Italy, and had altars erected to him everywhere in the streets of the towns as well as by the roadsides; and just as little the result of accident was the similarly early and widely diffused worship of the goddess of chance and good luck (*Fors Fortuna*), and of the god of traffic (*Mercurius*). Strict frugality and mercantile speculation were rooted in the Roman character too deeply not to find their thorough reflection in its divine counterpart.

Spirits.

Respecting the world of spirits little can be said. The departed souls of mortal men, the "good" (*manes*) continued to exist as shades haunting the spot where the body reposed, and received meat and drink from the survivors. But they dwelt in the depths beneath, and there was no bridge that led from the lower world either to men ruling on earth or upward to the gods above. The hero-worship of the Greeks was wholly foreign to the Romans, and the late origin and poor invention of the legend as to the foundation of Rome are shown by the thoroughly unRoman transformation of king Romulus into the god Quirinus. Numa, the oldest and most venerable name in Roman tradition, never

received the honours of a god in Rome as Theseus did in Athens.

The central object not only of Roman but Italian worship in general, in that epoch when the Italian stock still dwelt by itself in the peninsula, was the god Maurs or Mars, the killing god,* pre-eminently regarded as the divine champion of the burgesses, hurling the spear, protecting the flock, and overthrowing the foe. Each community of course had its own Mars, and deemed him to be the strongest and holiest of all; and accordingly every "*ver sacrum*" setting out to found a new community marched under the protection of its own Mars. To Mars was dedicated the first month not only in the Roman calendar, which in no other instance refers to the gods, but also probably in all the other Latin and Sabellian calendars: among the Roman proper names, which in like manner contain no allusion to any other god, Marcus, Mamercus, and Mamurius appear in prevailing use from primitive times; with Mars and his sacred woodpecker was connected the oldest Italian prophecy; the wolf, the animal sacred to Mars, was the sign of the Roman burgesses, and such sacred national legends as the Roman imagination was able to produce referred exclusively to the god Mars and to his duplicate Quirinus. To his worship, accordingly, the most ancient priesthoods in the community bore reference, especially the priest of the god of the community, nominated for life, the "kindler of Mars" (*flamen Martialis*) as he was designated from presenting burnt-offerings, and the twelve "dancers" (*Salii*), a band of young men who in March performed the war-dance in honour of Mars and accompanied it by song. We have already explained (P. 87) how the amalgamation of the Hill-community with that of the Palatine gave rise to the duplication of the Roman Mars, and thereby to the introduction of a second priest of Mars—the *flamen Quirinalis*—and a second guild of dancers—the *Salii Collini*. Priests.

To these were added other public worships, some of which probably had an origin far earlier than that of Rome, and the celebration of which was committed to particular colleges or *gentes* in name of the people. Such a college was that of the twelve "Field Brethren" (*Fratres Arvales*) who invoked

* From *Maurs*, which is the oldest form handed down by tradition, there have been developed by different treatment of the *u Mars, Mavors, Mors*; the transition to *ŏ* (like *Paula, Pola*, &c.) appears also in the double form *Mar-Mor* (comp. *Ma-mŭrius*) alongside of *Mar-Mar* and *Ma-Mers*.

the creative goddess (*Dea Dia*) in May to bless the growth of the seed, and who, along with the two colleges of *Salii*, were regarded as the chief of the priestly colleges of Rome. These were accompanied by the Titian brotherhood, which had to preserve and to attend to the distinctive *cultus* of that Roman tribe (P. 46), and by the thirty "curial kindlers" (*flamines curiales*), instituted for the hearths of the thirty curies. There were several religious observances of less repute given in charge to certain *gentes*, but in which the people also took part. Such was the "wolf-festival" (*Lupercalia*) which was celebrated for the protection of the flocks and herds in honour of the "favourable god" (*Faunus*), by the Quinctian *gens* and the Fabii who were associated with them after the admission of the Hill-Romans, in the month of February—a genuine shepherds' carnival, in which the "wolf-repellers" (*Luperci*) jumped about naked with a girdle of goatskin, and whipped the people with thongs. In like manner the service of Hercules devolved on the Potitii and Pinarii, and the community was doubtless conceived as represented and participating in the case of numerous other *gentile* rites.

To this earliest worship of the Roman community new rites were gradually added. The most important of these worships had reference to the city as newly united and founded as it were anew by the construction of the great wall and stronghold. In it the Iovis of the Capitol highest and best, that is, the genius of the Roman people, was placed at the head of all the Roman divinities, and his "kindler" thenceforth appointed, the *Flamen Dialis*, formed in conjunction with the two priests of Mars the sacred triad of high-priests. Contemporaneously began the *cultus* of the new single city-hearth—*Vesta*—and the kindred *cultus* of the *Penates* of the community (P. 117). Six chaste virgins, daughters as it were of the household of the Roman people, attended to that pious service, and had to maintain the wholesome fire of the common hearth always blazing as an example (P. 37) and a sign to the burgesses. This worship, half-domestic, half-public, was the most sacred of all in Rome, and it accordingly was the latest of all the heathen worships there to give way before the ban of Christianity. The Aventine, moreover, was assigned to Diana as the representative of the Latin confederacy (P. 111), but for that very reason no special Roman priesthood was appointed for her; and the commu-

nity gradually became accustomed to render definite homage to numerous other deified abstractions by means of general festivals or by representative priesthoods specially destined for their service; in particular instances it appointed also special *flamines*, so that the number of them was at length fifteen. But among these they carefully distinguished the three great kindlers (*flamines majores*), who down to the latest times could only be taken from the ranks of the old burgesses, just as the three old incorporations, the Palatine and Quirinal *Salii* and the *Arvales*, always asserted precedence over all the other colleges of priests. Thus the necessary and stated observances due to the gods of the community were intrusted once for all by the state to fixed corporations or regular ministers; and the expense of sacrifices, which was probably not inconsiderable, was covered partly by the assignation of certain lands to particular temples, partly by fines (P. 80, 163).

It cannot be doubted that the public worship of the other Latin, and probably of the Sabellian, communities also was essentially similar in character. At any rate it can be shown that the Flamines, Salii, Luperci, and Vestales were institutions not special to Rome, but general among the Latins, and at least the three first colleges appear to have been formed in the kindred communities independently of the Roman model.

Lastly, as the state made arrangements in reference to its own gods, so each burgess might make similar arrangements in his individual sphere, and might not only present sacrifices, but might also consecrate set places and ministers, to his own divinities.

There was thus enough of priesthood and of priests in Rome. Those, however, who had business with a god, resorted to the god, and not to the priest. Every suppliant and inquirer addressed himself directly to the divinity—the community of course by the king as its mouthpiece, just as the *curia* by the *curio* and the *equites* by their colonels; no intervention of a priest was allowed to conceal or to obscure this original and simple relation. But it was no easy matter withal to hold converse with a god. The god had his own way of speaking, which was intelligible only to one who was acquainted with it. He who did rightly understand it knew not only how to ascertain, but also how to manage, the will of the god, and even in case of need to overreach or to constrain him. It was natural, therefore, that the worshipper

Colleges of sacred lore.

of the god should regularly consult such men of skill, and listen to their advice; and thence arose the corporations or colleges of men specially skilled in religious lore, a thoroughly national Italian institution, which had a far more important influence on political development than the individual priests or priesthoods. These colleges have been often, but erroneously, confounded with the priesthoods. The priesthoods were charged with the worship of a specific divinity; the skilled colleges, on the other hand, were charged with the preservation of traditional rules regarding those more general religious observances, the proper fulfilment of which implied a certain amount of information, and rendered it necessary for the state in its own interest to provide for the faithful transmission of that information. These close corporations, supplying their own vacancies, of course from the ranks of the burgesses, became in this way the depositaries of skilled arts and sciences. Under the Roman constitution and that of the Latin communities in general there were originally but two such colleges, that of the augurs and that of the pontifices.* The six augurs were skilled in interpreting the language of the gods from the flight of birds, an art which was prosecuted with great earnestness and reduced to a quasi-scientific system. The five "bridge-builders" (*pontifices*) derived their name from their function, as sacred as it was politically important, of conducting the building and demolition of the bridge over the Tiber. They

The augurs.

The pontifices.

* The clearest evidence of this is the fact, that in the communities organized on the Latin scheme augurs and pontifices occur everywhere (*e. g.* Cic. *de lege agr.* ii. 35, 96, and numerous inscriptions), but the other colleges do not. The former, therefore, stand on the same footing with the constitution of ten curies and the Flamines, Salii, and Luperci, as very ancient heirlooms of the Latin stock; whereas the Duoviri, the Fetiales, and other colleges, like the thirty curies and the Servian tribes and centuries, originated in, and remained therefore confined to, Rome. Only in the case of the second college, the pontifices, the influence of Rome probably led to the introduction of that name into the general Latin scheme instead of some earlier, perhaps more variable name; or (a hypothesis which philologically has much in its favour) *pons* originally signified not "bridge" but "way" generally, and *pontifex* therefore meant "constructor of ways."

The statements regarding the original number, of the augurs in particular, vary. The view that it was necessary for the number to be an odd one is refuted by Cic. *de lege agr.* ii. 35, 96; and Livy (x. 6) does not say so, but only states that the number of Roman augurs had to be divisible by three, and must therefore have had an odd number as its basis. According to Livy (*l. c.*) the number was six down to the Ogulnian law, and the same is virtually affirmed by Cicero (*de Rep.* ii. 9, 14) when he represents Romulus as instituting four, and Numa two, augurial stalls.

were the Roman engineers, who understood the mystery of measures and numbers; whence there devolved upon them also the duties of managing the calendar of the state, of proclaiming to the people the time of new and full moon and the days of festivals, and of seeing that every religious and every judicial act took place on the right day. As they had thus an especial supervision of all religious observances, it was to them in case of need (as on occasion of marriage, testament, or *arrogatio*) that the preliminary question was addressed, whether the matter proposed did not in any respect offend against divine law; and it was they that fixed and promulgated the general exoteric precepts of ritual, which were known under the name of the "royal laws." Thus they acquired (although not probably in its full extent till after the abolition of the monarchy) the general oversight of Roman worship and of whatever was connected with it—and what was there that was not so connected? They themselves described the sum of their knowledge as "the science of things divine and human." In fact the rudiments of spiritual and temporal jurisprudence as well as of historical composition had their origin in the bosom of this college. For the writing of history was associated with the calendar and the book of annals; and as, according to the organization of the Roman courts of law, no tradition could originate in these courts themselves, it was necessary that the knowledge of legal principles and procedure should be traditionally preserved in the college of the pontifices, which alone was competent to give an opinion respecting court-days and questions of religious law.

By the side of these two oldest and most eminent corporations of men versed in spiritual lore may be, to some extent, ranked the college of the twenty state-heralds (*fetiales*, of uncertain derivation), destined as a living repository to preserve a traditionary remembrance of the treaties concluded with neighbouring communities, to pronounce an authoritative opinion on alleged infractions of treaty-rights, and in case of need to demand satisfaction and declare war. They had precisely the same position with reference to international, as the pontifices had with reference to religious, law, and were therefore, like the latter, entitled to point out the law, although not to administer it. Fetiales.

But in however high repute these colleges were, and important and comprehensive as were the functions assigned to

them, it was never forgotten (least of all in the case of those who held the highest position) that their duty was not to command, but to tender skilled advice—not directly by entreaty to obtain the answer of the gods, but to explain the answer, when obtained, to the inquirer. The highest of the priests was not merely inferior in rank to the king, but might not even give advice to him unasked. It was the province of the king to determine whether and when he would take an observation of birds; the "bird-seer" simply stood beside him, and interpreted to him, when necessary, the language of the messengers of heaven. In like manner the Fetialis and the Pontifex could not interfere in matters of international or common law except when those concerned therewith desired it. Notwithstanding all their zeal for religion, the Romans adhered with unbending strictness to the principle that the priest ought to remain completely powerless in the state, and, excluded from all command, ought like any other burgess to render obedience to the humblest magistrate.

Character of their *cultus.*

The Latin worship was grounded mainly on man's enjoyment of earthly pleasures, and only in a subordinate degree on his fear of the wild forces of nature; it consisted preeminently therefore in expressions of joy, in lays and songs, in games and dances, and above all in banquets. In Italy, as everywhere among agricultural tribes whose ordinary food consists of vegetables, the slaughter of cattle formed at once a household feast and an act of worship: a pig was the most acceptable offering to the gods, just because it was the usual roast for a feast. But all extravagance of expense, as well as all excess of rejoicing, was inconsistent with the solid character of the Romans. Frugality in relation to the gods was one of the most prominent traits of the primitive Latin worship; and the free play of imagination was repressed with iron severity by the moral self-discipline which the nation maintained. In consequence, the Latins remained strangers to the abominations which grow out of imagination's unrestrained excess. At the very core, indeed, of the Latin religion there lay that profoundly moral impulse which leads men to bring earthly guilt and earthly punishment into relation with the world of the gods, and to view the former as a crime against the deity, and the latter as its expiation. The execution of the criminal condemned to death was as much an expiatory sacrifice offered to the divinity as was the killing of an enemy in just war; the thief who by night stole the

fruits of the field paid the penalty to Ceres on the gallows just as did the enemy to Mother Earth and the good spirits on the field of battle. The profound and fearful idea of substitution also meets us here; when the gods of the community were angry, and no one could be laid hold of as definitely guilty, they might be appeased by one who voluntarily gave himself up (*devovere se*); and noxious chasms in the ground were closed, and battles half lost were converted into victories, when a brave burgess threw himself as an expiatory offering into the abyss or upon the foe. The "sacred spring" was based on a similar view; all the offspring whether of cattle or of men within a specified period were presented to the gods. If acts of this nature are to be called human sacrifices, then such sacrifices belonged to the essence of the Latin faith; but we are bound to add that, so far back as our view reaches into the past, this immolation where life was concerned was limited to the guilty who had been convicted before a civil tribunal, or to the innocent who voluntarily chose to die. Human sacrifices of a different description, which are inconsistent with the fundamental idea of a sacrificial act, and which, wherever they have occurred among the Indo-Germanic stocks at least, have been the offspring of later degeneracy and barbarism, never gained admission among the Romans; hardly in a single instance were superstition and despair induced, in times of extreme distress, to seek an extraordinary deliverance through means so revolting. Comparatively slight traces are to be found among the Romans of belief in ghosts, fear of magical arts, or dealing in mysteries. Oracles and prophecy never acquired the importance in Italy which they obtained in Greece, and never were able to exercise a really commanding influence over public or private life.

But on the other hand the Latin religion sank into a singular sobriety and dullness, and early became shrivelled into an anxious and dreary round of ceremonies. The god of the Italian was, as we have already said, above all things an instrument for helping him to the attainment of very solid earthly objects; indeed the turn thus given to his religious views by the tendency of the Italian towards the palpable and the real is no less distinctly apparent in the saint-worship of the modern inhabitants of Italy. The gods confronted man just as a creditor confronted his debtor; each of them had a duly acquired right to certain performances and pay-

ments; and as the number of the gods was as great as the number of the contingencies in earthly life, and the neglect or wrongous performance of the worship of each god revenged itself in the corresponding occurrence, it was a laborious and difficult task to gain even a knowledge of one's religious obligations, and the priests who were skilled in the law of divine things and pointed out its requirements—the *pontifices*—could not fail to attain an extraordinary influence. The upright man fulfilled the requirements of sacred ritual with the same mercantile punctuality with which he met his earthly obligations, and, it might be, did more than was due, if the god had done so on his part. Man even dealt in speculation with his god; a vow was in reality as in name a formal contract between the god and the man, by which the latter promised to the former for a certain service to be rendered a certain equivalent return; and the Roman legal principle that no contract could be concluded by deputy was not the least important of the reasons on account of which all priestly mediation was excluded from the religious concerns of man in Latium. Indeed, as the Roman merchant was entitled, without injury to his conventional reputation for integrity, to fulfil his contract merely in the letter, so in dealing with the gods, according to the teaching of Roman theology, the copy of an object was given and received instead of the object itself. They presented to the lord of the sky heads of onions and poppies, that he might launch his lightnings at these rather than at the heads of men. In payment of the offering annually demanded by father Tiber, thirty puppets plaited of rushes were annually thrown into the stream.* The ideas of divine mercy and placability were in these instances inseparably mixed up with a pious fraudulence, which tried to delude and to pacify so formidable a master by means of a sham satisfaction. The Roman fear of the gods accordingly exercised powerful influence over the minds of the multitude; but it was by no means that sense of awe in the presence of an all-controlling nature or of an almighty God, that lies at the foundation of the views of pantheism and monotheism respectively; on the contrary, it was of a very earthly character, and scarcely different in any material respect from the trembling with which the Roman debtor approached his just, but very strict and very power-

* It is only an unreflecting misconception that can discover in this usage a reminiscence of ancient human sacrifices.

ful, creditor. It is plain that such a religion was fitted rather to stifle than to foster artistic and speculative views. When the Greek had clothed the simple thoughts of primitive times with human flesh and blood, the ideas of the gods thus formed not only became the elements of plastic and poetic art, but acquired also that universality and elasticity which are the profoundest characteristics of human nature, and for that very reason are essential to all religions that aspire to rule the world. Through such ideas the simple view of nature became expanded into the conception of a cosmogony, the homely moral notion became enlarged into a principle of universal humanity; and for a long period the Greek religion was enabled to embrace within it the physical and metaphysical views—the whole ideal development of the nation, and to expand in depth and breadth with the increase of its contents, until imagination and speculation rent asunder the vessel which had nursed them. But in Latium the embodiment of the conceptions of deity continued so wholly transparent that it afforded no opportunity for the training either of artist or poet, and the Latin religion always held a distant and indeed hostile attitude towards art. As the god was not, and could not be, aught else than the spiritualization of an earthly phenomenon, this same earthly counterpart naturally formed his place of abode (*templum*) and his image; walls and effigies made by the hands of men seemed only to obscure and to embarrass the spiritual conception. Accordingly the original Roman worship had no images of the gods or houses set apart for them; and although the gods were at an early period worshipped in Latium, probably in imitation of the Greeks, by means of images, and had little chapels (*ædiculæ*) built for them, such a figurative representation was reckoned contrary to the laws of Numa, and was generally regarded as an impure and foreign innovation. The Roman religion could exhibit no image of a god peculiar to it, with the exception, perhaps, of the double-headed Ianus; and Varro even in his time derided the desire of the multitude for puppets and effigies. The utter want of productive power in the Roman religion was likewise the ultimate cause of the thorough poverty which marked Roman poetry and still more Roman speculation.

The same distinctive character was manifest, moreover, in the domain of its practical uses. The sole practical gain, which accrued to the Roman community from their religion,

was a code of moral formulæ gradually developed by the priests, and the pontifices in particular, over and above their regulation of legal procedure. This moral law on the one hand supplied the place of police regulations at a period when the state was still far from providing any direct police-guardianship for its citizens; and on the other hand it brought to the bar of the gods and visited with divine penalties the breach of those moral obligations which could not be reached at all, or could be but imperfectly enforced, by the law of the state. The regulations of the former class religiously inculcated the due observance of holidays, and the cultivation of the fields and vineyards according to the rules of good husbandry, which we shall have occasion to notice more fully in the sequel. To this class belonged also the worship of the hearth or of the Lares, which was connected with considerations of sanitary police (P. 173), and above all the practice of burning the bodies of the dead, adopted among the Romans at a singularly early period, far earlier than among the Greeks—a practice implying a rational conception of life and of death, such as was foreign to primitive times and is even foreign to ourselves at the present day. It must be reckoned no small achievement that the national religion of the Latins was able to carry out these and similar improvements. But the moral effect of this law was still more important. Under this head we might take notice of the fact itself, that every sentence, at least every capital sentence, was primarily conceived as the curse of the divinity offended by the crime. But not only did that curse accompany the judgment pronounced by the community; it also supplemented its deficiencies. If a husband sold his wife, or a father sold his married son; if a child struck the father, or a daughter-in-law her father-in-law; if a patron violated his obligation to keep faith with his guest or dependent, the civil law had no penalty for such outrages, but the burden of the curse of the gods lay thenceforth on the head of the offender. Not that the person thus accursed (*sacer*) was outlawed; such an outlawry, inconsistent in its very nature with all civil order, was only an exceptional occurrence in Rome—an aggravation of the religious curse at the time of the quarrels between the orders. It was not the province of the civil authorities, still less of the individual burgess or of the wholly powerless priest, to carry into effect the divine curse; the life of the person accursed was forfeited not to man but to the gods. But the pious popular

faith, on which that curse was based, would in earlier times have power even over natures frivolous and wicked; and the civilizing agency of religion must have exercised an influence deeper and purer precisely because it was not contaminated by any appeal to the secular arm. But it performed no higher service in Latium than the furtherance of civil order and morality by such means as these. In this field Hellas had an unspeakable advantage over Latium; it owed to its religion not merely its whole intellectual development, but also its national union, so far as such an union was attained at all; the oracles and festivals of the gods, Delphi and Olympia, and the Muses, daughters of Faith, were the centres round which revolved all that was great in Hellenic life and all in it that was the common heritage of the nation. And yet Latium had as compared with Hellas its own advantages. The Latin religion, reduced as it was to the level of ordinary perception, was completely intelligible to every one, and accessible in common to all; and therefore the Roman community preserved the equality of its citizens, while Hellas, where religion rose to the level of the highest thought, had from the earliest times to endure all the blessing and curse of an aristocracy of intellect. The Latin religion like every other had its origin in the effort to fathom the abyss of thought; it is only to a superficial view, which is deceived as to the depth of the stream because it is clear, that its transparent spirit-world can appear to be shallow. This deeply-rooted faith disappeared indeed with the progress of time, as necessarily as the dew of morning disappears before the rising sun; and in consequence the Latin religion came at length to wither; but the Latins preserved their simplicity of faith longer than most peoples and longer especially than the Greeks. As colours are effects of light and at the same time dim it, so art and science are not merely the creations, but also the destroyers of faith; and, much as this process at once of development and of destruction is swayed by necessity, by the same necessity certain results have been reserved to the epoch of early simplicity — results which subsequent epochs make vain endeavours to attain. The mighty intellectual development of the Hellenes, which created their religious and literary unity (ever imperfect as that unity was), was the very thing that made it impossible for them to attain to a genuine political union; they sacrificed thereby the simplicity, the tractableness, the self-devotion, the power of

amalgamation, which constitute the conditions of any such union. It is time therefore to desist from that childish view of history which believes that it can commend the Greeks only at the expense of the Romans, or the Romans only at the expense of the Greeks; and as we allow the oak to hold its own beside the rose, so should we abstain from praising or censuring the two noblest organizations which antiquity has produced, and comprehend the truth that their distinctive excellences have a necessary connection with their respective defects. The deepest and ultimate reason of the diversity between the two nations lay beyond doubt in the fact that Latium did not, and that Hellas did, in the season of growth, come into contact with the East. No people on earth was great enough by its own efforts to create either the marvel of Hellenic, or the marvel in a later period of Christian culture; history has produced these most brilliant results only where the ideas of Aramaic religion have sunk into an Indo-Germanic soil. But if for this reason Hellas is the prototype of purely human, Latium is not less for all time the prototype of national development; and it is the duty of us their successors to honour both and to learn from both.

Foreign worships.

Such was the nature and such the influence of the Roman religion in its pure, unhampered, and thoroughly national development. Its national character was not infringed by the fact that, from the earliest times, modes and systems of worship were introduced from abroad; no more than the bestowal of the rights of citizenship on individual foreigners denationalized the Roman state. An exchange of gods as well as of goods with the Latins must have taken place as a matter of course; the transplantation to Rome of gods and worships belonging to less cognate races is more remarkable. Of the distinctive Sabine worship maintained by the Tities we have already spoken (P. 176). Whether any of their conceptions of the gods were borrowed from Etruria is more doubtful: for the Lases, the older designation of the genii (from *lascivus*) and Minerva the goddess of memory (*mens menervare*), which have been usually described as originally Etruscan, were on the contrary, judging from philological grounds, indigenous to Latium. It is at any rate certain, and in keeping with all that we otherwise know of Roman intercourse, that the Greek worship received an earlier and more extensive consideration in Rome than any other of

foreign origin. The Greek oracles furnished the earliest occasion of its introduction. The language of the Roman gods was wholly confined to Yea and Nay or at the most to the making their will known by the method of casting lots, which appears in its origin Italian ;* while, from very ancient times (although not apparently until the impulse was received from the East), the more talkative gods of the Greeks imparted actual utterances of prophecy. The Romans made efforts, even at an early period, to treasure up such counsels, and copies of the laws of the soothsaying priestess of Apollo, the Cumæan Sibyl, were accordingly a highly valued gift on the part of their Greek guest-friends from Campania. For the reading and interpretation of the fortune-telling book a special college, inferior in rank only to the augurs and pontifices, was instituted in early times, consisting of two men of lore (*duoviri sacris faciundis*), who were furnished at the expense of the state with two slaves acquainted with the Greek language. To these custodiers of oracles the people resorted in cases of doubt, when some act of worship was needed in order to avoid some impending evil and they did not know to which of the gods or with what rites it was to be performed. But Romans in search of advice early betook themselves also to the Delphic Apollo himself. Besides the legends relating to such an intercourse already mentioned (P. 149), it is attested partly by the reception of the word *thesaurus*, so closely connected with the Delphic oracle, into all the Italian languages with which we are acquainted, and partly by the oldest Roman form of the name of Apollo, *Aperta*, the "opener," an etymological perversion of the Doric Apellon, the antiquity of which is betrayed by its very barbarism. The gods also of the mariner, Castor and Polydeukes or with the Romans Pollux, the god of traffic Hermes—the Roman Mercurius, and the god of healing, Asklapios or Æsculapius, were, from causes which naturally suggest themselves, early known to the Romans, although their public worship only began at a later period. The name of the festival of the "good goddess" (*Bona Dea*) *damium*, corresponding to the Greek δάμιον, or δήμιον, may likewise reach back as far as our present epoch. It is certain that in very early times the Italian tutelary

* *Sors* from *serere*, to place in a row. The *sortes* were probably small wooden tablets arranged upon a string, which when thrown formed figures of various kinds; an arrangement which puts one in mind of the Runic characters.

genius of the farm-yard, Herculus or Hercules (from *hercere* to enclose, P. 174), was identified with the totally different Hellenic Herakles. In like manner it may be rather the result of ancient borrowing than of an original community of religious ideas, that the Roman as well as the Greek called the God of wine by the name of the care-dispelling "deliverer" (*Lyæos*, *Liber Pater*), and the divinity of the bosom of the earth the "dispenser of riches" (*Pluto—Dis Pater*), and that the spouse of the latter, Persephone, became converted at once by change of the initial sound and by transference of the idea into the Roman Proserpina, that is, "germinatrix." Even the goddess of the Romano-Latin league, Diana of the Aventine, seems to have been copied from the federal goddess of the Ionians of Asia Minor, the Ephesian Artemis; at least her carved image in the Roman temple was formed after the Ephesian type (P. 119). It was in this way alone, through the myths of Apollo, Dionysus, Pluto, Herakles, and Artemis, which were early pervaded by Oriental ideas, that the Aramaic religion exercised at this period a remote and indirect influence on Italy.

These individual cases however of derivation from abroad were of little moment, and equally unimportant and verging on extinction were the remains of the natural symbolism of primeval times, of which the legend of the oxen of Cacus may perhaps be a specimen (P. 19). In all its leading features the Roman religion was an organic creation of the people among whom we find it.

Religion of the Sabellians.

The Sabellian and Umbrian worship, judging from the little we know of it, rested upon quite the same fundamental views as the Latin with local variations of colour and form. That it was different from the Latin is very distinctly apparent from the establishment of a special college at Rome for the preservation of the Sabine rites (P. 46); but that very fact affords an instructive illustration of the nature of the difference. Observation of the flight of birds was with both stocks the regular mode of consulting the gods; but the Tities observed different birds from the Ramnian augurs. Similar relations present themselves, wherever we have opportunity of comparing them. Both stocks in common regarded the gods as abstractions of the earthly and as of an impersonal nature; they differed in expression and ritual. It was natural that these diversities should appear of importance to the worshippers of those days; we are no longer able

to apprehend what was the characteristic distinction, if any really existed.

Religion of the Etruscans.

The remains of the sacred rites of the Etruscans that have reached us are marked by a different spirit. Their prevailing characteristics are a gloomy and withal tiresome mysticism, a ringing the changes on numbers, soothsaying, and that solemn enthroning of pure absurdity which at all times finds its own circle of devotees. We are far from knowing the Etruscan worship in such completeness and purity as we know the Latin; and it is not improbable—indeed it cannot well be doubted—that several of its features were first introduced into it by the minute subtlety of a later period, and that the gloomy and fantastic principles that were most alien to the Latin worship are those that have been especially handed down to us by tradition. But after all enough still remains to show that the mysticism and barbarism of this worship had their foundation in the essential character of the Etruscan people.

With our very unsatisfactory knowledge we cannot delineate the intrinsic contrast subsisting between the Etruscan conceptions of deity and the Italian; but it is clear that the most prominent among the Etruscan gods were the malignant and the mischievous. Their worship moreover was cruel, including in particular the sacrifice of their captives; thus at Cære they slaughtered their Phocæan, and at Tarquinii their Roman prisoners. Instead of a tranquil world of departed "good spirits" ruling peacefully in the realms beneath, such as the Latins had conceived, the Etruscan religion presented a veritable hell, in which the poor souls were doomed to be tortured by means of mallets and serpents, and to which they were conveyed by the conductor of the dead, a savage semi-brutal figure of an old man with wings and a large hammer—a figure which afterwards served in the gladiatorial games at Rome as a model for the costume of the man who removed the corpses of the slain from the arena. So fixed was the association of torture with the condition of the shades, that there was provided a redemption from it, which after certain mysterious offerings transferred the poor soul to the society of the gods above. It is remarkable that, in order to people their lower world, the Etruscans early borrowed from the Greeks their gloomiest notions, such as the doctrine of Acheron and Charon, which play an important part in the Etruscan discipline.

But the Etruscan occupied himself above all in the interpretation of signs and portents. The Romans heard the voice of the gods in nature; but their bird-seer understood only the signs in their simplicity, and knew only generally whether the occurrence boded good or ill. Disturbances of the ordinary course of nature were regarded by him as boding evil, and put a stop to the business in hand, as when for example a storm of thunder and lightning dispersed the comitia; and it was sought to get rid of them, as in the case of monstrous births, which were put to death as speedily as possible. But beyond the Tiber matters were carried much further. The penetrating Etruscan read off to the believer his future fortunes in detail from the lightning and from the entrails of animals offered in sacrifice, and the more singular the language of the gods, the more startling the portent or prodigy, the more confidently did he declare what they foretold and the means by which it was possible to avert the mischief. Thus arose the lore of lightning, and of the inspection of entrails, and of the interpretation of prodigies—all of them, and the science of lightning especially, devised with the hair-splitting subtlety which the mind indulges in when pursuing absurdities. A dwarf called Tages, with the figure of a child but with gray hairs, who had been ploughed up by a peasant in a field near Tarquinii—we might almost fancy that practices at once so childish and drivelling had sought to present in this figure a caricature of themselves—betrayed the secret of this lore to the Etruscans, and then straightway died. His disciples and successors taught what gods were in the habit of hurling the lightning; how, moreover, the lightning of each god might be recognized by its colour and the quarter of the heavens whence it came; whether the lightning boded a permanent change of things or a single event; and in the latter case whether the event was one unalterably fixed, or whether it could be up to a certain limit postponed; how they might convey the lightning away when it struck, or compel the threatening lightning to strike, and various marvellous arts of the like kind, with which by-the-way there was conjoined no small desire of pocketing fees. How deeply repugnant all this was to the Roman character is shown by the fact that, even when people came at a later period to employ the Etruscan lore in Rome, no attempt was made to naturalize it; during our present period the Romans were probably still content with their own, and with the Grecian, oracles.

The Etruscan religion occupied a higher level than the Roman, in so far as it developed at least the rudiments of that of which the Romans were wholly destitute—speculation veiled under the forms of religion. Over the world and its gods there ruled the *veiled* gods (*Dii involuti*), consulted by the Etruscan Jupiter himself; that world moreover was finite, and, as it had come into being, so would it again pass away after the expiry of a definite period of time, whose sections were the *sæcula*. Respecting the intellectual value which may once have belonged to this Etruscan cosmogony and philosophy, it is difficult to form a judgment; they appear however to have been from the very first characterized by a dull fatalism and an insipid play upon numbers.

CHAPTER XIII.

AGRICULTURE, TRADE, AND COMMERCE.

AGRICULTURE and commerce are so intimately bound up with the constitution and the external history of states, that the former must frequently be noticed in the course of describing the latter. We shall here endeavour to supplement the detached notices which we have already given, by exhibiting a summary view of Italian and particularly of Roman economics.

Agriculture. It has been already observed (P. 20) that the transition from a pastoral to an agricultural economy preceded the immigration of the Italians into the peninsula. Agriculture continued to be the main support of all the communities in Italy, of the Sabellians and Etruscans no less than of the Latins. There were no purely pastoral tribes in Italy during historical times, although of course the various races everywhere combined pastoral husbandry, to a greater or less extent according to the nature of the locality, with the cultivation of the soil. The beautiful custom of commencing the laying out of a new town by tracing a furrow with the plough along the line of the future ring-wall shows how deeply rooted was the feeling that every commonwealth is dependent on agriculture. In the case of Rome in particular (and it is only in its case that we can speak of agrarian relations with any sort of certainty), the Servian reform shows very clearly not only that the agricultural class originally preponderated in the state, but also that an effort was made permanently to maintain the body of freeholders as the pith and marrow of the community. When in course of time a

large portion of the landed property in Rome had passed into the hands of non-burgesses, and the rights and duties of burgesses were no longer bound up with freehold property, the reformed constitution obviated this incongruous state of things and the perils which it threatened, not merely temporarily but permanently, by dividing the members of the community once for all, without reference to their political position, into "freeholders" (*assidui*) and "producers of children" (*proletarii*), and imposing on the former the public burdens—a step which in the natural course of things could not but be speedily followed by the concession of public rights. The whole policy, moreover, of Roman war and conquest rested, like the constitution itself, on the basis of the freehold system; as the freeholder alone was of value in the state, the aim of its wars was to increase the number of its freehold members. The vanquished community was either compelled to merge entirely into the yeomanry of Rome, or, if not reduced to this extremity, it was required, not to pay a war-contribution or a fixed tribute, but to cede a portion (usually a third part) of its domain, which was thereupon, as a rule, occupied by Roman farms. Many nations have gained victories and made conquests as the Romans did; but none has equalled the Roman in thus making the ground he had won his own by the sweat of his brow, and in securing by the ploughshare what had been gained by the lance. That which is gained by war may be wrested from the grasp by war again, but it is not so with the conquests made by the plough; while the Romans lost many battles, they scarcely ever on making peace ceded Roman soil, and for this result they were indebted to the tenacity with which the farmers clung to their fields and homesteads. The strength of man and of the state lies in their dominion over the soil; the greatness of Rome was built on the most extensive and immediate mastery of her citizens over her soil, and on the compact unity of the body which thus acquired so firm a hold.

System of tillage in common.

We have already indicated (P. 38, 72) that in the earliest times the arable land was cultivated in common, probably by the several clans; each of these tilled its own land, and thereafter distributed the produce among the several households belonging to it. There exists in fact an intimate connection between the system of common tillage and the clan form of society, and even subsequently in Rome joint residence and joint husbandry were in the case of co-proprietors

of very frequent occurrence.* Even the traditions of Roman law furnish the information that wealth consisted at first in cattle and the usufruct of the soil, and that it was not till later that land came to be distributed among the burgesses as their own special property.† More reliable evidence that such was the case is afforded by the designation of wealth as "cattle-estate," or "slave-and-cattle-estate," (*pecunia, familia pecuniaque*), and of the special possessions of the children of the household and of slaves as "lesser cattle" (*peculium*); also by the earliest form of acquiring property, the laying hold of it with the hand (*mancipatio*), which was only appropriate to the case of moveable articles (P. 162); and above all by the oldest measure of land, the "lordship" (*heredium*, from *herus* lord), consisting of two *jugera* (about an acre and a quarter), which can only have applied to garden-ground, and not to the hide.‡ When and how the distribu-

* The system which we meet with in the case of the Germanic joint tillage, combining a partition of the land in property among the clansmen with common cultivation by the clan, can hardly ever have existed in Italy. Had each clansman been regarded in Italy, as among the Germans, in the light of proprietor of a particular spot in each portion of the collective domain that was marked off for tillage, the separate husbandry of later times would probably have set out from a minute subdivision of hides. But the very opposite was the case; the individual names of the Roman hides (*fundus Cornelianus*) show clearly that the Roman proprietor owned from the beginning a possession not dismembered but united.

† Cicero (*de Rep.* ii. 9, 14, comp. Plutarch, *Q. Rom.* xv.) states: *Tum* (in the time of Romulus) *erat res in pecore et locorum possessionibus, ex quo pecuniosi et locupletes vocabantur—(Numa) primum agros, quos bello Romulus ceperat, divisit viritim civibus.* In like manner Dionysius represents Romulus as dividing the land into thirty curial districts, and Numa as establishing boundary-stones and introducing the festival of the Terminalia (i. 7, ii. 74; and thence Plutarch, *Numa*, 16).

‡ Since this assertion still continues to be disputed, we shall let the numbers speak for themselves. Roman farmers reckoned on an average five *modii* as sufficient to sow a *jugerum*, and the produce as five-fold. The produce of a *heredium* accordingly (even when, without taking into view the space occupied by the dwelling-house and farm-yard, we regard it as entirely arable land, and make no account of years of fallow) amounted to fifty, or deducting the seed forty, *modii*. For an adult hard-working slave Cato reckons fifty-one *modii* as the annual consumption. These data enable any one to answer for himself the question whether a Roman family could or could not subsist on the produce of an *heredium*. This result is not shaken by reckoning up the subsidiary produce yielded by the arable land itself and by the common pasturage, such as figs, vegetables, milk, flesh, &c.; for pastoral husbandry was always of subordinate importance among the Romans, and grain notoriously formed the chief subsistence of the people; nor is it much affected by the boasted thoroughness of the older cultivation. Beyond question, the

tion of the arable land took place, can no longer be ascertained. This much only is certain, that the oldest form of the constitution was based not on freehold-tenure, but on clanship as a substitute for it, while the Servian constitution, again, presupposes the distribution of the land. It is evident from the same constitution that the great bulk of the landed property consisted of middle-sized farms, which provided work and subsistence for a family and admitted of the keeping of cattle for tillage as well as of the application of the plough. The ordinary extent of such a Roman full hide has not been ascertained with precision, but can scarcely, as has already been shown (P. 102), be estimated at less than twenty *jugera* (12½ acres nearly).

Their husbandry was mainly occupied with the culture of the cereals. The usual grain was spelt (*far*); but different kinds of pulse, roots, and vegetables were also diligently cultivated. Culture of grain.

Whether the culture of the vine came to Italy along with the Italians, or was introduced in very early times by Greek settlers, cannot be positively determined (P. 20); but the supposition that its culture had begun before the coming of Culture of the vine.

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farmers of this period drew from their fields a larger produce than the large landholders of the period of the Empire obtained (P. 37); we may take into account the produce of the fig-trees, and we may assume an after-crop and a very considerable superiority especially in the gross yield; but in forming such estimates we must exercise moderation, because we have to deal with a question of general averages and with a method of husbandry conducted neither on rational principles nor with much capital; and in no case can so enormous a deficit be covered by the mere superiority of cultivation.

It is indeed asserted that instances occur of colonies with allotments of two *jugera* founded even in historical times; but the only instance of the kind (Liv. iv. 47) is that of the colony of Labici in the year 336—an instance which will certainly not be reckoned (by such scholars as are worth the arguing with) to belong to the class of traditions that are trustworthy in their historical details, and which is beset by other very serious difficulties (see book ii. ch. 5, note). It is no doubt true that in the non-colonial assignation of land to the burgesses collectively (*adsignatio viritana*) sometimes only two *jugera* were granted (as *e. g.* Liv. viii. 11, 21). In these cases however it was not the intention to create new farms with the allotments, but, on the contrary, as a rule, the intention was to add to the existing farms new parcels from the conquered lands (comp. C. I. R. i. p. 88). At any rate, any supposition is better than an hypothesis which requires us to believe as it were in a miraculous multiplication of the food of the Roman household. The Roman farmers were far less modest in their requirements than their historiographers. They conceived, as has been already stated (P. 101), that they could not subsist even on allotments of seven *jugera* yielding a produce of one hundred and forty *modii*.

the Greeks is supported by the fact that the wine-festival (*Vinalia*), *i. e.* the festival of opening the casks, which subsequently fell on the 23rd April, was celebrated in honour of Father Iovis, not in honour of the wine-god of more recent times who was borrowed from the Greeks, Father Liber. The very ancient legend which represents Mezentius, king of Cære, as levying a wine-tax from the Latins or the Rutuli, and the various versions of the widely-spread Italian story which affirms that the Celts were induced to cross the Alps in consequence of their coming to the knowledge of the noble fruits of Italy, especially of the grape and of wine, are indications of the pride of the Latins in their glorious vine, the envy of all their neighbours. A careful system of vine-husbandry was early and generally inculcated by the Latin priests. In Rome the vintage did not begin until the supreme priest of the community, the Flamen Dialis, had granted permission for it, and had himself made a beginning by breaking off a cluster of grapes with his own hands; in like manner the ritual law of Tusculum forbade the sale of new wine, until the priest had proclaimed the festival of opening the casks. The early prevalence of the culture of the vine is likewise attested not only by the general adoption of wine-libations in the sacrificial ritual, but also by the ordinance of the Roman priests promulgated as a law of King Numa, that men should present in libation to the gods no wine obtained from uncut grapes; just as, to introduce the beneficial practice of drying the grain, they prohibited the offering of grain undried.

Culture of the olive.

The culture of the olive was of later introduction, and certainly was first brought to Italy by the Greeks.* The olive is said to have been first planted in the countries of the western Mediterranean towards the close of the second century of the city; and this view accords with the fact that the olive-branch and the olive occupy in the Roman ritual a place very subordinate to the juice of the vine. The esteem in which both noble trees were held by the Romans is shown by the rearing of a vine and of an olive-tree in the middle of the Forum, not far from the Curtian lake.

The principal fruit tree planted was the nutritious fig, which was probably a native of Italy. The legend of the origin of Rome wove its threads closely around the old fig-

* *Oleum* and *oliva* are derived from ἔλαιον, ἔλαια, and *amurca* (oil-lees) from ἀμόργη.

trees, several of which stood in the Palatine and in the Roman Forum; and one of the earliest events in Rome, whose date can be determined, was the removal of the very ancient fig-tree in front of the temple of Saturn in the year 260. 494.

Management of the farm.

The farmer and his sons guided the plough, and performed generally the necessary labours of husbandry: it is not probable that slaves or free day-labourers were regularly employed in the work of the ordinary farm. The plough was drawn by the ox or by the cow; horses, asses, and mules served as beasts of burden. The rearing of cattle for the production of butchers' meat or of milk did not exist at all as a distinct branch of husbandry, or was prosecuted only to a very limited extent, at least on land remaining the property of the clan; but, in addition to the smaller cattle which were driven out together to the common pasture, swine and poultry, particularly geese, were kept upon the farm. As a general rule, there was no end of ploughing and re-ploughing: a field was reckoned imperfectly tilled, in which the furrows were not drawn so close that harrowing could be dispensed with; but the method of culture was more earnest than intelligent, and no improvement took place in the defective plough, or in the imperfect processes of reaping and of thrashing. This result is probably attributable rather to the scanty development of rational mechanics than to the obstinate clinging of the farmers to use and wont; for mere attachment to the system of tillage transmitted with the patrimonial soil was far from influencing the practical Italian; and evident improvements in agriculture, such as the cultivation of fodder-plants and the irrigation of meadows, were probably adopted from neighbouring peoples or independently developed by themselves at an early period. Roman literature itself in fact began with the discussion of the theory of agriculture. Welcome rest followed diligent and judicious labour; and here too religion asserted her right to soothe the toils of life to the common man by pauses of refreshment and of greater freedom of movement. Four times a month, and therefore on an average every eighth day (*nonæ*), the farmer went to town to buy and sell and transact his other business. But rest from labour, in the strict sense, took place only on the several festival days, and especially in the holiday-month after the completion of the winter sowing (*feriæ sementivæ*): during these set terms the plough rested by command of the

gods, and not the farmer only, but also his slave and his ox, reposed in holiday-idleness.

Such, probably, was the way in which the ordinary Roman farm was cultivated in the earliest times. The next heirs had no protection against bad management except the right of having the spendthrift who squandered his inherited estate placed under wardship like a lunatic (P. 161). Women moreover were in substance divested of their personal right of disposal, and, if they married, a member of the same *gens* was ordinarily assigned as husband, in order to retain the estate within the *gens*. The law sought to check the overburdening of landed property with debt partly by ordaining, in the case of a debt secured over the land, the immediate transference of the ownership of the object pledged from the debtor to the creditor, partly in the case of a simple loan, by the rigour of the proceedings in execution which speedily led to actual bankruptcy; the latter means however, as the sequel will show, attained its object but very imperfectly. No restriction was imposed by law on the free divisibility of property. Desirable as it might be that co-heirs should remain in the undivided possession of their heritage, even the primitive law was careful to keep the power of dissolving such a partnership open at any time to any partner; it was good that brethren should dwell together in peace, but to compel them to do so was foreign to the liberal spirit of Roman law. The Servian constitution moreover shows that even in the regal period of Rome there were not wanting small cottagers and garden-proprietors, with whom the mattock took the place of the plough. It was left to custom and the sound sense of the population to prevent excessive subdivision of the soil; and that their confidence in this respect was not misplaced, and landed estates ordinarily remained entire, is proved by the universal Roman custom of designating them by permanent individual names. The community exercised only an indirect influence in the matter by the sending forth of colonies, which regularly led to the establishment of a number of new full hides, and frequently perhaps also to the suppression of a number of minor properties, the small landholders being sent forth as colonists.

Landed proprietors.

It is far more difficult to perceive how matters stood with landed property on a larger scale. That there were such larger properties to no inconsiderable extent cannot be doubted from the position of the *equites* in the Servian con-

stitution, and may be easily explained partly by the distribution of the clan-lands, which of itself must have produced a class of larger landholders in consequence of the necessary inequality in the numbers of the persons included in the several clans and participating in the distribution, and partly by the abundant influx of mercantile capital to Rome. But farming on a large scale in the strict sense and implying a considerable establishment of slaves, such as we afterwards meet with at Rome, cannot be supposed to have existed during this period. On the contrary to this period we must refer the ancient definition, which represents the senators as called fathers from the fields which they parcelled out among the common people as a father among his children; and originally the landowner must have distributed that portion of his land which he was unable to farm himself, or even his whole estate, into little parcels among his dependents to be cultivated by them, as is the general practice in Italy at the present day. The recipient might be the house-child or slave of the granter; if he was a free man, his position was that which subsequently went by the name of "occupancy on sufferance" (*precarium*). The recipient retained his occupancy during pleasure, and had no legal means of protecting himself in possession; on the contrary the granter could eject him at any time when he pleased. The relation did not necessarily involve any payment on the part of the person who had the usufruct of the soil to its proprietor; but such a payment doubtless frequently took place and, it is probable, consisted ordinarily in the tribute of a portion of the produce. The relation in that case approximated to the lease of subsequent times, but remained always distinguished from it partly by the absence of a term for its expiry, partly by its non-actionable character, the only protection accorded by law to any demand under the lease being based on the lessor's right of ejection. It is plain that it was essentially a relation based on mutual fidelity, which could not subsist without the help of the powerful sanction of custom consecrated by religion; and this was not wanting. The institution of clientship, altogether of a moral-religious nature, beyond doubt rested fundamentally on this assignation of the profits of the soil. Nor was the introduction of such assignations dependent on the abolition of the system of common tillage; for just as afterwards the individual, so in earlier times the *gens* could grant to dependents the usufruct of its

lands; and beyond doubt with this very state of things was connected the fact that the Roman clientship was not personal, but that from the very first the client along with his *gens* intrusted himself for protection and fealty to the patron and his *gens*. This earliest form of Roman landholding serves to explain how there sprang from the great landlords in Rome a landed, while there was no urban, nobility. As the pernicious institution of middlemen remained foreign to the Romans, the Roman landlord found himself not much less fettered to his land than was the lessee and the farmer; he saw to and took part in everything himself, and the wealthy Roman esteemed it his highest praise to be reckoned a good landlord. His house was on his land; in the city he had only a lodging for the purpose of attending to his business there, and perhaps of breathing the purer air that prevailed there during the hot season. Above all however these arrangements furnished a moral basis for the relation between the nobles and the common people, and so materially lessened its dangers. The free tenants on sufferance sprung from families of decayed farmers, dependents, and freedmen, formed the great bulk of the proletariate (P. 93), and were not much more dependent on the landlord than the petty temporary lessee inevitably is with reference to the great proprietor. The slaves tilling the fields for a master were beyond doubt far less numerous than the free tenants. In all cases where an immigrant nation has not at once reduced to slavery a population *en masse*, slaves seem to have existed at first only to a very limited amount, and consequently free labourers seem to have played a very different part in the state from that in which they subsequently appear. In Greece "day-labourers" (θῆτες) in various instances during the earlier period occupy the place of the slaves of a later age, and in some communities, among the Locrians for instance, there was no slavery down to historical times. Even the slave, moreover, was ordinarily of Italian descent; the Volscian, Sabine, or Etruscan war-captive must have stood in a different relation towards his master from the Syrian and the Celt of later times. Besides, as a tenant he had in fact, though not in law, land and cattle, wife and child, as the landlord had, and after emancipation was introduced (P. 165) there was a possibility, not remote, of working out his freedom. If such then was the footing on which landholding on a large scale stood in the earliest times, it was far from being a manifest

evil in the commonwealth; on the contrary it was of most material service to it. Not only did it provide subsistence, although scantier upon the whole, for as many families in proportion as the intermediate and smaller properties; but the landlords moreover, occupying a comparatively elevated and free position, supplied the community with its natural leaders and rulers, while the agricultural and unpropertied tenants on sufferance furnished the genuine material for the Roman policy of colonization, without which it never would have succeeded; for while the state may furnish land to those who have none, it cannot impart to one who knows nothing of agriculture the spirit and the energy to wield the plough.

Pastoral husbandry.

Ground under pasture was not affected by the distribution of the land. The state, and not the clanship, was regarded as the owner of the common pastures. It made use of them on the one hand for its own flocks and herds which were intended for sacrifice and other purposes, and were always well kept up by means of the cattle-fines, while on the other hand it gave to the possessors of cattle the privilege of driving them out upon the common pastures for a moderate payment (*scriptura*). The right of pasturage on the public domains probably from the first bore some sort of relation to the actual possession of land, but no legal connection can ever have subsisted in Rome between the particular fields of land and a definite proportional use of the common pasture; because property could be acquired even by the *metoikos*, but the right to use the common pasture always remained a privilege of the burgess and was only granted exceptionally to the *metoikos* by the royal favour. At this period, however, the public land seems to have held but a subordinate place in the national economy generally, for the original common pasturage was not perhaps very extensive, and the conquered territory was probably for the most part distributed immediately as arable land among the *gentes*, or at a later period among individuals.

Trades.

While agriculture was the chief and most extensively prosecuted occupation in Rome, other branches of industry did not fail to accompany it, as might be expected from the early development of urban life in that emporium of the Latins. In fact eight guilds of craftsmen were numbered among the institutions of King Numa, that is, among the institutions that had existed in Rome from time immemo-

rial. These were the flute-blowers, the goldsmiths, the coppersmiths, the carpenters, the fullers, the dyers, the potters, and the shoemakers,—a list which would substantially exhaust the class of tradesmen working to order and for the purpose of sale in respect of those early times, when the baking of bread and the professional art of healing were not yet known and wool was spun into clothing by the women of the household themselves. It is remarkable that there appears no special guild of workers in iron. This affords a fresh confirmation of the fact that the manufacture of iron was of comparatively late introduction in Latium, and on this account in the ritual down to the latest times copper alone might be used for the sacred plough and the shear-knife of the priests. These bodies of craftsmen must have been of great importance in early times for the urban life of Rome and for its position towards the Latin land—an importance not to be measured by the depressed condition of Roman handicraft in later times, when it was injuriously affected by the multitude of artizan-slaves working for their master or on his account, and by the increased importation of articles of luxury. The oldest lays of Rome celebrated not only the mighty war-god Mamers but also the skilled armourer Mamurius, who understood the art of forging for his fellow-burgesses shields similar to the divine model shield that had fallen from heaven; and thus in the earliest Rome, as everywhere, the arts of forging and of wielding the ploughshare and the sword went hand in hand, and there was nothing of that arrogant contempt for handicrafts which we afterwards meet with there. After the Servian organization, however, imposed the duty of serving in the army exclusively on the freeholders, the industrial classes were excluded not by any law, but practically by virtue of their general want of a freehold qualification, from the privilege of bearing arms, except in the case of special subdivisions chosen from the carpenters, coppersmiths, and musicians, and attached with a military organization to the army; and this may perhaps have been the origin of the subsequent habit of depreciating the manual arts and of the position of political inferiority assigned to them. The institution of guilds doubtless had the same object as the colleges of priests that resembled them in name; the men of skill associated themselves for more permanently and securely preserving the tradition of their art. That there was some mode of ex-

cluding unskilled persons is probable; but no traces are to be met with either of monopolizing tendencies or of protective steps against inferior manufactures. Indeed there is no aspect of the life of the Roman people respecting which our information is so scanty as that of the Roman trades.

Inland commerce of the Italians.

Italian commerce must, it is obvious, have been limited in the earliest epoch to the mutual dealings of the Italians themselves. Fairs (*mercatus*), which must be distinguished from the usual weekly markets (*nundinæ*), were of great antiquity in Latium. In Rome they were not originally perhaps connected, as was usual at a later period, with the *ludi publici*, but rather were associated with the celebration of the festival at the federal temple on the Aventine; the Latins, who came for this purpose to Rome every year on the 13th August, probably embraced at the same time the opportunity of transacting their business in Rome and of purchasing there their necessary supplies. A similar and perhaps still greater importance attached in the case of Etruria to the annual general assembly at the temple of Voltumna (perhaps near Montefiascone) in the territory of Volsinii—an assembly which served at the same time as a fair, and was regularly frequented by Roman as well as native traders. But the most important of all the Italian fairs was that which was held at Soracte in the grove of Feronia, a situation than which none could be found more favourable for the exchange of commodities among the three great nations. That high isolated mountain, which appears to have been set down by nature herself in the midst of the plain of the Tiber as a goal for the pilgrim, lay on the boundary which separated the Etruscan and Sabine lands (to the latter of which it appears mostly to have belonged), and it was likewise easily accessible from Latium and Umbria. Roman merchants regularly made their appearance there, and the wrongs of which they complained gave rise to many a quarrel with the Sabines.

Beyond doubt dealings of barter and traffic were carried on at these fairs long ere the first Greek or Phœnician vessel entered the western sea. When bad harvests had occurred, the adjoining regions supplied each other at these fairs with grain; there, moreover, they exchanged cattle, slaves, metals, and whatever other articles were deemed needful or desirable in those primitive times. Oxen and sheep formed the oldest medium of exchange, ten sheep being reckoned

equivalent to one ox. The recognition of these objects as universal legal representatives of value or in other words as money, as well as the scale of proportion between the large and smaller cattle may be traced back (as the occurrence of both among the Germans especially shows) not merely to the Græco-Italian period, but beyond that even to the epoch of a purely pastoral economy.* In Italy, where metal in considerable quantity was everywhere required, especially for agricultural purposes and for armour, but only a few of its provinces themselves produced the requisite metals, copper (*aes*) very early made its appearance alongside of cattle as a second medium of exchange; indeed the Latins, who were poor in copper, designated valuation itself as "coppering" (*aestimatio*). This establishment of copper as a general equivalent recognized throughout the whole peninsula, as well as the numeral signs of first necessity as invented by the Italians to be mentioned more particularly below (P. 214), and the Italian duodecimal system, may be regarded as traces of this earliest international intercourse of the Italian peoples while they still had the peninsula to themselves.

Transmarine traffic of the Italians.

We have already indicated generally the nature of the influence exercised by transmarine commerce on the Italians who continued independent. The Sabellian stocks remained almost wholly unaffected by it. They were in possession of only a small and inhospitable belt of coast, and received whatever reached them from foreign nations, the alphabet for instance, only through the medium of the Tuscans or Latins. This circumstance accounts, moreover, for their want of urban development. The intercourse of Tarentum with the Apulians and Messapians appears to have been at this epoch still unimportant. It was otherwise along the west coast. In Campania the Greeks and Italians dwelt peacefully side by side, and in Latium, and still more in Etruria, an extensive and regular exchange of commodities

* The comparative legal value of sheep and oxen, as is well known, is proved by the fact that when the cattle-fines were converted into money-fines, the sheep was rated at ten, and the ox at a hundred asses (Festus v. *peculatus*, p. 237, comp. p. 24, 144, Gell. xi. 1. Plutarch, *Poplicola*, 11). By a similar adjustment the Icelandic law makes twelve rams equivalent to a cow; only in that, as in other instances, the Germanic law has substituted the duodecimal for the older decimal system.

It is well known that the term denoting cattle was transferred to denote money both among the Latins (*pecunia*), and among the Germans (English *fee*).

took place. What the earliest articles of import were may be inferred partly from the objects found in the primitive tombs, particularly those at Cære, partly from indications preserved in the language and institutions of the Romans, partly and chiefly from the stimulating effect produced on Italian manufactures, for of course they bought foreign manufactures for a considerable time before they began to imitate them. We cannot determine how far the development of handicrafts had advanced before the separation of the stocks, or what progress it thereafter made while Italy remained left to its own resources; it is uncertain whether the Italian fullers, dyers, tanners, and potters received an impulse from Greece or Phœnicia or had their own independent development. But it is certain that the trade of the goldsmiths, which existed in Rome from time immemorial, can only have arisen after transmarine commerce had begun and the use of ornaments of gold had set in to some extent among the inhabitants of the peninsula. We find, accordingly, in the oldest sepulchres of Cære and Vulci in Etruria and of Prænestе in Latium, plates of gold with winged lions stamped upon them, and similar ornaments of Babylonian manufacture. It may be a question in reference to a particular object found whether it has been introduced from abroad or is a native imitation; but on the whole it admits of no doubt that all the west coast of Italy in early times imported metallic wares from the East. It will be shown still more clearly in the sequel, when we come to speak of the exercise of art, that architecture and modelling in clay and metal received a powerful stimulating influence in very early times from Greece, whence the oldest tools and the oldest models were derived. In the sepulchral chambers just mentioned, in addition to the gold ornaments there have been found vessels of bluish enamel or greenish clay, which, judging from the materials and style as well as from the hieroglyphics impressed upon them, are of Egyptian origin; perfume-vases of Oriental alabaster, several of them in the form of Isis; ostrich-eggs with painted or carved sphinxes and griffins; beads of glass and amber. These last may have come by the land-route from the north; but the other objects prove the importation of perfumes and articles of ornament of all sorts from the East. Thence came linen and purple, ivory and frankincense, as is proved by the early use of linen fillets, of the purple dress and ivory sceptre for the

king, and of frankincense in sacrifice, as well as by the very ancient borrowed names for them (*λίνον, linum; πορφύρα, purpura; σκῆπτρον, σκίπων, scipio;* perhaps also *ἐλέφας, ebur; θύος, thus*). Of similar significance is the derivation of a number of words relating to articles used in eating and drinking, particularly the names of oil (comp. P. 196), of jugs (*ἀμφορεύς, amp(h)ora, ampulla; κρατήρ, cratera*), of feasting (*κωμάζω, commissari*), of a dainty (*ὀψώνιον, obsonium*), of dough (*μᾶζα, massa*), and various names of cakes (*γλυκοῦς, lucuns; πλακοῦς, placenta; τυροῦς, turunda*); while conversely the Latin names for dishes (*patina, πατάνη*) and for lard (*arvina, ἀρβίνη*) have found admission into Sicilian Greek. The later custom of placing in the tomb beside the dead Attic and Corcyrean ornamental vases proves, what these testimonies from language likewise show, the early traffic in Greek pottery-wares to Italy. That Greek leather-work made its way into Latium at least in the shape of armour is apparent from the application of the Greek word for leather (*σκῦτος*), to signify among the Latins a shield (*scutum*; like *lorica*, from *lorum*). Finally, we deduce a similar inference from the numerous nautical terms borrowed from the Greek (although it is remarkable that the chief expressions requisite in navigation—the terms for the sail, mast, and yard—are pure Latin forms);* and from the recurrence in Latin of the Greek designations for a letter (*ἐπιστολή, epistula*), a token (*tessera*, from *τέσσαρα*), a balance (*στατήρ, stater*), and earnest-money (*ἀρρᾶβών, arrabo, arra*); and conversely from the adoption of Italian law-terms in Sicilian Greek (P. 165), as well as from the exchange of the proportions and names of coins, weights, and measures, which we shall notice in the sequel. The character of barbarism which all these borrowed terms bear on the face of them, and especially the characteristic formation of the nominative from the accusative (*placenta* = *πλακοῦντα*; *ampora* = *ἀμφορέα*; *statera* = *στατῆρα*), constitute the clearest evidence of their antiquity. The worship of the god of traffic (*Mercurius*) also

* *Velum* is entirely of Latin origin; so is *malus*, especially as that term denotes not merely the mast, but the tree in general: *antenna* likewise may come from *ἀνά* (*anhelare, antestari*), and *tendere* = *supertensa*. Of Greek origin, on the other hand, we have *gubernare*, to steer (*κυβερνᾶν*); *ancora*, anchor (*ἄγκυρα*); *prora*, ship's bows (*πρῶρα*); *aplustre*, ship's stern (*ἄφλαστον*); *anquina*, the rope fastening the yards (*ἄγκοινα*); *nausea*, sea-sickness (*ναυσία*).

The four principal winds—*aquilo*, the "eagle-wind," the north-easterly

appears to have been from the first influenced by Greek ideas; and his annual festival seems even to have been fixed on the ides of May, because the Hellenic poets celebrated him as the son of the beautiful Maia.

It thus appears that Italy in very ancient times derived its articles of luxury, just as imperial Rome did, from the East, before it attempted to manufacture for itself after the models which it imported. In exchange it had nothing to offer except its raw produce consisting especially of copper, silver, and iron, but including also slaves and timber for ship-building, amber from the Baltic, and grain, in the event of bad harvests occurring abroad.

Commerce, in Latium passive, in Etruria active.

From the relations thus subsisting between the demand for commodities and the equivalents to be offered in return for them, we have already explained why Italian traffic assumed in Latium a form differing from that which it presented in Etruria. The Latins, who were deficient in all the chief articles of export, could carry on only a passive traffic, and were obliged even in the earliest times to procure the copper, which they necessarily required, from the Etruscans in exchange for cattle or slaves (we have already mentioned the very ancient practice of selling the latter on the right bank of the Tiber at P. 110). On the other hand the balance of trade must necessarily have been very favourable for the Etruscans at Cære and Populonia, at Capua and Spina. Hence the rapid development of prosperity in these regions and their powerful commercial position; whereas Latium remained pre-eminently an agricultural country. The same contrast recurs in all their individual relations. The oldest tombs constructed and furnished in the Greek fashion, only with an extravagance to which the Greeks were strangers, are to be found at Cære, while (with the exception of Præneste, which appears to have occupied a peculiar position, and to have been very intimately connected with Falerii and southern Etruria) the Latin land exhibits not a single tomb of a luxurious type belonging to the earlier times; and there as among the Sabel-

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Tramontana; *Volturnus* (uncertain in its derivation, probably the "vulture-wind") the south-easterly; *auster* the "scorching" south-west wind, the Sirocco; *favonius* the "favourable" north-west wind blowing from the Tyrrhene Sea—have indigenous names bearing no reference to navigation; but all the other Latin names for winds are Greek (such as *eurus*, *notus*), or translations from the Greek (*e. g. solanus* = ἀπηλιώτης, *Africus* = λίψ).

lians a simple turf seemed sufficient as a covering for any one's remains. The most ancient coins, of not much later origin than those of Magna Græcia, belong to Etruria, and to Populonia in particular: during the whole regal period Latium had to be content with copper by weight, and had not even introduced foreign coins, for the instances are very rare in which such coins (*e. g.*, one of Posidonia) have been found there. In architecture, plastic art, and embossing, the same stimulating influences acted on Etruria as on Latium, but it was only in the case of the former that capital was brought to bear on them and led to their being prosecuted extensively and with growing technical skill. The commodities were probably, upon the whole, the same, which were bought, sold, and manufactured in Latium and in Etruria; but the southern province was far inferior to its northern neighbour in the concentrated energy with which its commerce was plied. The contrast between them in point of commercial energy is shown in the fact that the articles of luxury manufactured after Greek models in Etruria found a market in Latium, particularly at Præneste, and even in Greece itself, while Latium hardly ever exported anything of the kind.

Etrusco-Attic, and Latino-Sicilian commerce

A distinction not less remarkable between the commerce of the Latins and that of the Etruscans appears in the respective routes or lines of traffic. As to the earliest commerce of the Etruscans in the Adriatic we can hardly do more than express the conjecture that it was chiefly directed from Spina and Hatria to Corcyra. We have already mentioned (P. 149) that the western Etruscans ventured boldly into the eastern seas, and dealt not merely with Sicily, but also with Greece proper. An ancient intercourse with Attica is indicated by the Attic earthenware vases, which are so numerous in the more recent Etruscan tombs, and had been, as we have observed, already perhaps at this time introduced for other purposes than the decoration of tombs, while conversely Tyrrhenian bronze candlesticks and gold cups were articles early in request in Attica. Still more definitely is such an intercourse indicated by the coins. The silver pieces of Populonia are struck after the pattern of a very old silver piece stamped on one side with a Gorgoneion, on the other merely presenting an incuse square, which has been found at Athens and on the old amber-route in the district of Posen, and which was, in all probability, just

the coin struck by order of Solon in Athens. We have also mentioned already that in addition to their intercourse with the Greeks the Etruscans had dealings, and perhaps after the development of the Etrusco-Carthaginian maritime alliance their principal dealings, with the Carthaginians. It is a remarkable circumstance that in the oldest tombs of Cære, besides native vessels of bronze and silver, there have been chiefly found oriental articles, which may certainly have come from Greek merchants, but more probably were introduced by Phœnician traders. We must not, however, attribute too great importance to this Phœnician trade, and we must in particular not overlook the fact that the alphabet, as well as the other influences that stimulated and matured native culture, were brought to Etruria by the Greeks, and not by the Phœnicians.

Latin commerce assumed a different direction. Rarely as we have opportunity of instituting comparisons between the Romans and the Etruscans as regards their reception of Hellenic elements, the cases in which such comparisons can be instituted exhibit the two nations as completely independent of each other; and even yet we may discern the influence of one Greek stock over the Etruscans, and of another over the Latins. This is most clearly apparent in the case of the alphabet. The Greek alphabet which reached Etruria is essentially different from that communicated to the Latins. While the former is so primitive, that for that very reason its special origin can no longer be ascertained, the latter exhibits exactly the signs and forms which were used by the Chalcidic and Doric colonies of Italy and Sicily. The same phenomenon appears in particular words: the Roman Pollux and the Tuscan Pultuke are independent corruptions of the Greek Polydeukes; the Tuscan Utuze or Uthuze is formed from Odysseus, the Roman Ulixes is an exact reproduction of the form of the name usual in Sicily; in like manner the Tuscan Aivas corresponds to the old Greek form of that name, the Roman Aiax to a secondary form that was probably also Sicilian; the Roman Aperta or Apello and the Samnite Appellun have sprung from the Doric Apellon, the Tuscan Apulu from Apollon. Thus the language and writing of Latium indicate that the direction of Latin commerce lay towards the Cumæans and Sicilians. Every other trace which has survived from so remote an age leads to the same conclusion; such as the coin of Posidonia found in Latium;

the purchase of grain, when a failure of the harvest occurred in Rome, from the Volscians, Cumæans, and Siceliots (and, as was natural, from the Etruscans also); but, above all, the relation subsisting between the Latin and Sicilian monetary systems. As the local Dorico-Chalcidian designation of silver coin, *νόμος*, and the Sicilian measure, *ἡμίνα*, were transferred, retaining their meaning to Latium as *nummus* and *hemina*, so conversely the Italian designations of weight, *libra*, *triens*, *quadrans*, *sextans*, *uncia*, which came into use in Latium for the weighing of the copper which served instead of money, had already found their way into the common speech of Sicily in the third century of the city under the corrupt and hybrid forms, *λίτρα*, *τριᾶς*, *τετρᾶς*, *ἑξᾶς*, *οὐγκία*. Indeed, among all the Greek systems of weights and moneys, the Sicilian alone was brought into a determinate proportional relation to the Italian copper-system; not only was the value of silver set down conventionally and perhaps legally as two hundred and fifty times that of copper, but the equivalent on this computation of a Sicilian pound of copper ($\frac{1}{120}$th of the Attic talent, $\frac{2}{3}$ of the Roman pound) was already in very early times struck at Syracuse as a silver coin (*λίτρα ἀργυρίου*, *i.e.* "pound of copper in silver"). Accordingly it cannot be doubted that Italian bars of copper circulated also in Sicily instead of money; and this exactly harmonizes with the hypothesis that the commerce of the Latins with Sicily was a passive commerce, and in consequence Latin money was drained away thither. Other proofs of ancient intercourse between Sicily and Italy, especially the adoption in the Sicilian dialect of the Italian expressions for a commercial loan, a prison, and a dish, and the converse reception of Sicilian terms in Italy, have been already mentioned (P. 166, 206). We meet also with several, though less definite, traces of an ancient intercourse of the Latins with the Chalcidian cities in Lower Italy, Cumæ, and Neapolis, and with the Phocæans in Velia and Massilia. That it was however far less active than that with the Siceliots is shown by the well-known fact that all the Greek words which made their way in earlier times to Latium exhibit Doric forms—we need only recall *Æsculapius*, *Latona*, *Aperta*, *machina*. Had their dealings with the originally Ionian cities, such as Cumæ (P. 144) and the Phocæan settlements, been on a similar scale with those which they had with the Sicilian Dorians, Ionic forms would at least have made

their appearance along with the others; although certainly Dorism early penetrated into these Ionic colonies themselves, and their dialect was very fluctuating. While all the facts thus combine to attest the stirring traffic of the Latins with the Greeks of the western main generally, and especially with the Sicilians, there is scarcely found a single evidence of any intercourse with other peoples; in particular it is very remarkable that—if we leave out of account a few local names—there is an utter absence of any evidence from language as to ancient intercourse between the Latins and the nations speaking the Aramaic tongue.*

If we further inquire how this traffic was carried on, whether by Italian merchants abroad or by foreign merchants in Italy, the former supposition has all the probabilities in its favour, at least so far as Latium is concerned. It is scarcely conceivable that those Latin terms denoting the substitute for money and the commercial loan could have found their way into general use in the language of the inhabitants of the island of Sicily through the mere resort of Sicilian merchants to Ostia and their acquisition of copper in return for ornaments.

Lastly, in regard to the persons and classes by whom this traffic was carried on in Italy, no special superior class of merchants distinct from and independent of the class of landed proprietors developed itself in Rome. The reason of this surprising phenomenon was, that the wholesale commerce of Latium was from the beginning in the hands of the large landed proprietors—an hypothesis which is not so singular as it seems. It was natural that in a country intersected by several navigable rivers the great landholder, who was paid by his tenants their quotas of produce in kind, should come at an early period to possess barks; and there is evidence that such was the case: the transmarine traffic carried on on personal account must therefore have fallen

* If we leave out of view *Sarranus*, *Afer*, and other local designations (P. 154), the Latin language appears not to possess a single word immediately derived in early times from the Phœnician. The very few words from Phœnician roots that occur in it, such as *arrabo* or *arra* and perhaps also *murra*, *nardus*, and the like, are plainly borrowed proximately from the Greek, which has a considerable number of such words of Oriental extraction as indications of its primitive intercourse with the Aramæans. The same holds true of the enigmatical word *thesaurus*; whether it may have been originally Greek or borrowed by the Greeks from the Phœnician or Persian, it is at any rate, as a Latin word, derived from the Greek, as the retention of its aspiration proves (P. 187).

into the hands of the great landholder, seeing that he alone possessed the vessels for it and, in his produce, the articles for export.* In fact the distinction between a landed and a moneyed aristocracy was unknown to the Romans of earlier times; the great landholders were at the same time the speculators and the capitalists. In the case of a very active commerce such a combination certainly could not have been maintained; but, as the previous representation shows, while there was a comparatively vigorous traffic in Rome inasmuch as the trade of the Latin land was there concentrated, in the main Rome was by no means a commercial city like Cære or Tarentum, but was and continued to be the centre of an agricultural community.

219. * Quintus Claudius, in a law issued shortly before 534, prohibited the senators from having sea-going vessels holding more than 300 *amphoræ* (1 *amph.* = nearly 6 gallons); *id satis habitum ad fructus ex agris vectandos: quæstus omnis patribus indecorus visus* (Liv. xxi. 63). It was thus an ancient usage, and was still permitted, that the senators should possess sea-going vessels for the transport of the produce of their estates: on the other hand, transmarine mercantile speculation (*quæstus*, traffic, fitting-out of vessels, &c.) on their part was prohibited. It is a curious fact that the ancient Greeks as well as the Romans expressed the tonnage of their sea-going ships constantly in *amphoræ*; the reason evidently being, that Greece as well as Italy exported wine at a comparatively early period, and on a larger scale than any other bulky article.

CHAPTER XIV.

MEASURING AND WRITING.

THE art of measuring brings the world into subjection to man; the art of writing prevents his knowledge from perishing with himself; together they make man, what nature has not made him, all-powerful and eternal. It is the privilege and duty of history to trace the course of national progress along these paths also.

Measurement necessarily presupposes the development of the several ideas of units of time, of space, and of weight, and of a whole as consisting of equal parts, or in other words of number and of a numeral system. The most obvious bases presented by nature for this purpose are, in reference to time, the periodic returns of the sun and moon, or the day and the month; in reference to space, the length of the human foot, which is more easily applied in measuring than the arm; in reference to gravity, the burden which a man is able to poise (*librare*) on his hand while he holds his arm stretched out, or the "weight" (*libra*). As a basis for the notion of a whole made up of equal parts, nothing so readily suggests itself as the hand with its five or the hands with their ten fingers; upon this rests the decimal system. We have already observed that these elements of all numeration and measuring reach back not merely beyond the separation of the Greek and Latin stocks but even to the most remote primeval times. The antiquity in particular of the measurement of time by the moon is demonstrated by language (P. 18); even the mode of reckoning the days that elapse between the several phases of the moon, not forward from the phase on which it had entered last, but backward from that which was next ex-

Italian measures.

pected, is at least older than the separation of the Greeks and Latins.

Decimal system.

The most distinct evidence of the antiquity and original exclusive use of the decimal system among the Indo-Germans is furnished by the well-known agreement of all Indo-Germanic languages in respect to the numerals as far as a hundred inclusive (P. 18). In the case of Italy the decimal system pervaded all the earliest arrangements: it may be sufficient to mention the occurrence of the number ten so commonly in the case of witnesses, securities, ambassadors, and magistrates, the legal equivalence of one ox and ten sheep, the partition of the canton into ten curies and the pervading application generally of the decurial system, the *limitatio*, the tenth in offerings and in agriculture, decimation, and the prænomen *Decimus*. Among the applications of this most ancient decimal system in the sphere of measuring and of writing, the remarkable Italian ciphers claim a primary place. When the Greeks and Italians separated, there were still, evidently, no conventional signs of number. On the other hand, we find the three oldest and most indispensable numerals, one, five, and ten, represented by three signs—I, V or Λ, X, manifestly imitations of the outstretched finger, and the open hand single and double—which have not been derived either from the Hellenes or the Phœnicians, but are common to the Romans, Sabellians, and Etruscans. They are the first steps towards the formation of a national Italian writing, and at the same time evidences of the liveliness of that earlier inland intercourse among the Italians which preceded their transmarine commerce (P. 203). Which of the Italian stocks invented, and which of them borrowed these signs, can of course no longer be ascertained. Other traces of the pure decimal system occur but sparingly in this field; among them are the *versus*, the Sabellian measure of surface of 100 square feet (P. 22), and the Roman year of ten months.

The duodecimal system.

In the case of other Italian measures, which were not connected with Greek standards and were probably developed by the Italians before they came in contact with the Greeks, there prevailed universally the partition of the "whole" (*as*) into twelve "units" (*unciæ*). The earliest Latin priesthoods, the colleges of the Salii and Arvales (P. 175), as well as the leagues of the Etruscan cities, were organized on the basis of the number twelve. The same

number predominates in the Roman system of weights where the pound (*libra*), and in the measures of length where the foot (*pes*), were by use and wont subdivided into twelve parts; the unit of the Roman measures of surface was the "driving" (*actus*) of 120 feet square, a combination of the decimal and duodecimal systems.* Similar arrangements as to the measures of capacity probably have passed into oblivion. If we inquire into the basis of the duodecimal system, and consider how it can have happened that, in addition to *ten*, *twelve* should have been so early and universally singled out from the equal ranks of number, we shall be able to find no other source to which it can be referred than a comparison of the solar and lunar periods. The double hand of ten fingers and the solar cycle of nearly twelve lunar periods first suggested to man the profound conception of an unit composed of equal units, and thereby originated the idea of a system of numbers, the first step towards mathematical thought. The consistent duodecimal development of this thought appears to have been of national Italian origin, and to have preceded the first contact with the Greeks.

Hellenic measures in Italy.

But when at length the Hellenic trader had opened up the route to the west coast of Italy, the measures of surface remained unaffected, but the measures of length, of weight, and above all of capacity—in other words those definite standards without which barter and traffic are impossible—experienced the effects of the new international intercourse. The Roman foot, which in later times was a little smaller than the Greek,† but at that time was either equal in reality or was at any rate still reckoned equal to it, was, in addition to its Roman subdivision into twelve twelfths, divided after the Greek fashion into four hand-breadths (*palmus*) and sixteen finger-breadths (*digitus*). Further, the Roman weights were brought into a fixed proportional relation to the Attic system, which prevailed throughout Sicily but not in Cumæ—another significant proof that the Latin traffic was chiefly directed to the island; four Roman pounds were assumed as equal to three

* Originally both the *actus*, "driving," and its still more frequently occurring duplicate, the *jugerum*, "yoking," were, like the German "morgen," not measures of surface, but measures of labour; the latter denoting the day's work, the former the half-day's work, with reference to the peculiarly marked division of the day in Italy by the ploughman's rest at noon.

† $\frac{24}{25}$ of the Greek foot = one Roman foot.

Attic *minæ*, or rather the Roman pound was assumed as equal to one and a half of the Sicilian *litræ*, or half-*minæ* (P. 210). But the most singular and variegated aspect is presented by the Roman measures of capacity as regards both their names and their proportions. Their names have come from the Greek terms either by corruption (*amphora*, *modius* after μέδιμνος, *congius* from χοεύς, *hemina*, *cyathus*) or by translation (*acetabulum* from ὀξύβαφον); while conversely ξέστης is a corruption of *sextarius*. All the measures are not identical, but those in most common use are so; among liquid measures the *congius* or *chus*, the *sextarius*, and the *cyathus*, the two last also for dry goods; the Roman *amphora* was equivalent in liquid measure to the Attic talent, and at the same time stood to the Greek *metretes* in the fixed ratio of 3 : 2, and to the Greek *medimnus* of 2 : 1. To one who can decipher the significance of such records, these names and numerical proportions fully reveal the activity and importance of the intercourse between the Sicilians and the Latins.

The Greek numeral signs were not adopted; but the Roman probably availed himself of the Greek alphabet, when it reached him, to form ciphers for 50, 100, and 1000 out of the signs for the three aspirated letters which he had no use for. In Etruria the sign for 100 at least appears to have been obtained in a similar way. Afterwards, as usually happens, the systems of notation among the two neighbouring nations became assimilated by the adoption in substance of the Roman system in Etruria.

The Italian calendar before the period of Grecian influence in Italy.

In like manner the Roman calendar (and probably that of the Italians generally) began with an independent development of its own, but subsequently came under the influence of the Greeks. In the division of time the returns of sunrise and sunset, and of the new and full moon, most directly arrest the attention of man; and accordingly the day and the month, determined not by cyclic calculation but by direct observation, were long the exclusive measures of time. Down to a late age sunrise and sunset were proclaimed in the Roman market-place by the public crier, and in like manner it may be presumed that once upon a time, at each of the four phases of the moon, the number of days that would elapse from that phase until the next was proclaimed by the priests. The mode of reckoning therefore in Latium (and the like mode, it may be presumed, was in use not merely among the Sabellians, but also among the Etruscans)

was by days, which, as already mentioned, were counted not forward from the phase that had last occurred, but backward from that which was next expected; by lunar weeks, which varied in length between 7 days and 8, the average length being $7\frac{3}{4}$; and by lunar months, which in like manner were sometimes of 29, sometimes of 30 days, the average duration of the synodical month being 29 days 12 hours 44 minutes. For some time the day continued to be with the Italians the smallest, and the month the largest, division of time. It was not until later that they began to distribute day and night respectively into four portions, and much later still when they began to employ a division into hours; which explains why even stocks otherwise closely related differed in their mode of fixing the commencement of day, the Romans placing it at midnight, the Sabellians and the Etruscans at noon. No calendar, of the year at any rate, had as yet been organized when the Greeks separated from the Italians, for the names for the year and its divisions in the two languages have been formed quite independently of each other. Nevertheless the Italians appear to have already in their pre-Hellenic period advanced, if not to the arrangement of a fixed calendar, at any rate to the institution of two larger units of time. The simplifying of the reckoning according to lunar months by the applications of the decimal system, which was usual among the Romans, and the designation of a term of ten months as a "ring" (*annus*) or complete year, bear in them all the traces of a high antiquity. Later, but likewise at a period very early and apparently previous to the operation of Greek influences, the duodecimal system (as we have already stated) was developed in Italy, and, as it derived its very origin from the observation of the fact that the solar period was equal to twelve lunar periods, it was certainly applied primarily to the reckoning of time. This view accords with the fact that the individual names of the months (which can only have originated after the month was viewed as part of a solar year), particularly those of March and of May, were similar among the different branches of the Italian stock, while there was no similarity between the Italian names and the Greek. It is not improbable therefore that the problem of laying down a practical calendar which should correspond at once to the moon and the sun—a problem comparable in some sense to the quadrature of the circle, and the solution of which was only recog-

nized as impossible and abandoned after the lapse of many centuries—had already employed men's minds in Italy before the epoch at which their contact with the Greeks began; these purely national attempts to solve it, however, have passed into oblivion.

The oldest Italo-Grecian calendar.

What we know of the oldest calendar of Rome and of some other Latin cities (as to the Sabellian and Etruscan measurement of time there is no traditional information) is decidedly based on the oldest Greek system—an arrangement of the year intended to answer both to the phases of the moon and to the seasons of the solar year, constructed on the assumption of a lunar period of $29\frac{1}{2}$ days and a solar period of $12\frac{1}{2}$ lunar months or $368\frac{3}{4}$ days, and on the regular alternation of a full month or month of 30 days with a hollow month or month of 29 days and of a year of 12 with a year of 13 months, but at the same time maintained in some sort of harmony with the actual celestial phenomena by arbitrary curtailments and intercalations. It is possible that this Greek arrangement of the year in the first instance came into use among the Latins without undergoing any alteration; but the oldest form of the Roman year, which can be historically recognized, varied materially from its model, not in the cyclical result, or in the alternation of years of 12 with years of 13 months, but in the designation and in the measuring off of the individual months. The Roman year began with the beginning of spring; the first month in it, and the only one which bears the name of a god, was named from Mars (*Martius*), the three following from sprouting (*aprilis*), growing (*maius*), and thriving (*junius*), the fifth and onward to the tenth from their places in the order of arrangement (*quinctilis, sextilis, september, october, november, december*), the eleventh from opening (*januarius*) (P. 173), with reference probably to the renewal of agricultural operations that followed mid-winter and the season of rest, the twelfth, and in an ordinary year the last, from cleansing (*februarius*). To this series recurring in regular succession there was added in the intercalary year a nameless "labour-month" (*mercedonius*) at the close of the year, or after February. And, as the Roman calendar was independent as respected the names of the months which were probably transferred from the old national ones, it was also independent as regarded their duration: instead of the four years of the Greek cycle, each composed of six months of 30

and six of 29 days and an intercalary month inserted every second year alternately of 29 and 30 days (354+384+354+383=1475 days), the Roman calendar substituted four years, each containing four months—the first, third, fifth, and eighth—of 31 days and seven of 29 days, with a February of 28 days during three years and of 29 in the fourth, and an intercalary month of 27 days inserted every second year (355+383+355+382=1475 days). In like manner this calendar deviated from the original distribution of the month into four weeks, sometimes of 7, sometimes of 8 days; instead of this it permanently fixed the first quarter in the months of 31 days on the seventh, in those of 29 on the fifth day, and the full moon in the former on the fifteenth, in the latter on the thirteenth day; so that the second and fourth weeks in the month consisted of 8 days, the third ordinarily of 9 (only in the case of the February of 28 days it consisted of 8, and in the intercalary month of 27 days, of 7), the first of 6 where the month consisted of 31, and in other cases of 4 days. As the course of the three last weeks of the month was thus essentially similar, it was henceforth necessary only to proclaim the length of the first week in each month. Thence the first day of the first week received the name of "proclamation-day" (*kalendæ*). The first days of the second and fourth weeks, which were uniformly of 8 days, were (in conformity with the Roman custom of reckoning, inclusively of the extremes) designated as "nine-days" (*nonæ*, *noundinæ*), while the first days of the third week retained the old name of *idus* (perhaps "dividing-day"). The chief motive lying at the bottom of this strange remodelling of the calendar seems to have been a belief in the salutary virtue of odd numbers;* and while in general it is based on the oldest form of the Greek year, its variations from that form distinctly exhibit the influence of the doctrines of Pythagoras, which were then paramount in Lower Italy, and which especially turned upon a mystic view of numbers. But the consequence was that this Roman calendar, clearly as it bears traces of the desire that it should

* Censorin. xx. 4, 5; Macrob. *Sat.* i. 13, 5; Solin. i. With reference to this belief in general, see Festus, *Ep. v. imparem*, p. 109, Müll.; Virgil, *Ecl.* viii. 75, and Servius thereon; Plin. xxviii. 2, 23 (*impares numeros ad omnia vehementiores credimus idque in febribus dierum observatione intellegitur*); Macrob. *Comm.* i. 2, 1; ii. 2, 17 (*impar numerus mas et par femina vocatur*); Plutarch, *Q. R.* 102.

harmonize with the course both of sun and moon, did in reality by no means correspond with the lunar periods, as its Greek model did at least on the whole, while, like the oldest Greek cycle, it could only follow the solar seasons by means of frequent arbitrary excisions, and did in all probability follow them but very imperfectly, for it is scarcely likely that the calendar would be handled with greater skill than was manifested in its original arrangement. The retention moreover of the reckoning by months or (which is the same thing) by years of ten months, implies a tacit, but not to be misunderstood, confession of the irregularity and untrustworthiness of the oldest Roman solar year. This Roman calendar may be looked upon, at least in its essential features, as that generally current among the Latins. From the general liability to change as to the time of beginning the year and the names of the months, smaller variations in the successional numbers and designations are quite compatible with the hypothesis of a common basis; and with such a calendar-system, which practically was quite irrespective of the lunar course, the Latins might easily come to have months of arbitrary lengths whose limits were possibly marked by annual festivals—as in the case of the Alban months, which varied between 16 and 36 days. It would appear probable therefore that the Greek *trieteris* had early been introduced from Lower Italy at least into Latium and perhaps also among the other Italian stocks, and had thereafter been subjected, in the calendars of the several cities, to various subordinate alterations.

For the measuring of periods of more years than one the regnal years of the kings may have been employed; but it is doubtful whether that method of dating, which was in use in the East, existed in Greece or Italy during earlier times. On the other hand the intercalary period recurring every four years, and the census and lustration of the community connected with it, appear to have suggested a reckoning by *lustra* similar in plan to the Greek reckoning by Olympiads —a mode of reckoning, however, which early lost its chronological importance, in consequence of the irregularities that were soon introduced through the postponement of the census.

Introduction of Hellenic alphabets into Italy.

The art of expressing sounds by written signs was of later origin than the art of measurement. The Italians did not any more than the Hellenes develop such an art of

themselves, although we may discover a first attempt at such a development in the Italian numeral signs, and possibly also in the primitive Italian custom (formed independently of Hellenic influence) of drawing lots by means of wooden tablets. The difficulty which must have attended the first individualizing of sounds, occurring as they do in so great a variety of combinations, is best demonstrated by the fact that a single alphabet propagated from people to people and from generation to generation has sufficed, and still suffices, for the whole of Aramaic, Indian, Græco-Roman, and modern civilization. This most important product of the human intellect was the joint creation of the Aramæans and Indo-Germans. The Semitic family of languages, in which vowels have a subordinate character and never can begin a word, presented special facilities for the individualizing of the consonants; and it was among the Semites accordingly that the first alphabet (in which the vowels were wanting) was invented. It was the Indians and Greeks that first independently of each other and by very divergent methods created, out of the Aramæan consonantal writing introduced among them by commerce, a complete alphabet by the addition of vowels, and the marking of the syllable instead of the mere consonant, or, as Palamedes says in Euripides,

> Τὰ τῆς γε λήθης φάρμακ' ὀρθώσας μόνος
> Ἄφωνα καὶ φωνοῦντα, συλλαβάς τε θείς,
> Ἐξεῦρον ἀνθρώποισι γράμματ' εἰδέναι.

This Aramæo-Hellenic alphabet was introduced among the Italians at a very early period; but not until it had already experienced an important development in Greece, and had been subjected to various reforms, particularly the addition of three new letters ξ, ϕ, χ, and the alteration of the signs for γ, ι, λ (P. 144, note). We have also already observed (P. 209) that two different Greek alphabets reached Italy, one with a double sign for *s* (Sigma *s*, and San *sh*) and a single sign for *k* and with the earlier form of the ρ (P) coming to Etruria, the second with a single sign for *s* and a double sign for *k* (Kappa *k*, and Koppa *q*), and the more recent form of the *r* (R) coming to Latium. The oldest Etruscan writing shows no knowledge of lines, and winds like the coiling of a snake; the more recent employs parallel broken off lines from right to left: the Latin

writing, as far as our monuments reach back, exhibits only the latter form of parallel lines, which originally perhaps may have run at pleasure from left to right or from right to left, but subsequently ran among the Romans in the former, and among the Faliscans in the latter direction. Respecting the origin of the Etruscan alphabet this much only can be with certainty affirmed, that it cannot have been brought to Etruria from Corcyra or Corinth, or even from the Sicilian Dorians; the most probable hypothesis is that it was derived from the old Attic alphabet, which appears to have dropped the *koppa* earlier than any other in Greece. As little can we determine with precision whether the Tuscan alphabet spread over Etruria from Spina or from Cære, although the probabilities are in favour of the latter very ancient emporium of traffic and civilization.

The derivation on the other hand of the Latin alphabet from that of the Cumæan and Sicilian Greeks is quite evident; and it is even very probable that the Latins did not receive the alphabet once for all, as was the case in Etruria, but in consequence of their lively intercourse with Sicily kept pace for a considerable period with the alphabet in use there, and followed its variations. We find, for instance, that the earlier forms Σ and ϺϺ were not unknown to the Romans, but were superseded in common use by the later forms S and Ϻ—a circumstance which can only be explained by supposing that the Latins employed for a considerable period the Greek alphabet, as such, in writing either their mother-tongue or Greek. It is dangerous therefore to draw from the more recent character of the Greek alphabet which we meet with in Rome, as compared with that brought to Etruria, the inference that writing was practised earlier in Etruria than in Rome.

The powerful impression produced by the acquisition of the treasure of letters on those who received them, and the vividness with which they realized the power that slumbered in those humble signs, are illustrated by a remarkable vase from one of the oldest tombs of Cære (built before the invention of the arch), exhibiting the alphabet after the old Greek model as it came to Etruria, and also an Etruscan syllabarium formed from it, which may be compared to that of Palamedes—evidently a sacred relic of the introduction and acclimatization of alphabetic writing in Etruria.

Not less important for history than the derivation of the

alphabet is the further course of its development on Italian soil: perhaps it is even of more importance; for by means of it a gleam of light is thrown upon the inland commerce of Italy, which is involved in far greater darkness than the commerce with foreigners on its coast.* In the earliest epoch of the Etruscan alphabet, when it was used without material alteration as it had been introduced, its use appears to have been restricted to the Etruscans on the Po and in what is now Tuscany. In course of time this alphabet, manifestly diffusing itself from Hatria and Spina, reached southward along the east coast as far as the Abruzzi, northward to the Veneti and subsequently even to the Celts at the foot of, amidst, and indeed beyond the Alps, so that its last offshoots reached as far as the Tyrol and Styria. The more recent epoch started with a reform of the alphabet, the chief features of which were the introduction of writing in interrupted lines, the suppression of the *o*, which was no longer distinguished in pronunciation from the *u*, and the introduction of a new letter *f*, for which the alphabet as received by them had no corresponding sign. This reform evidently arose among the western Etruscans, and while it did not find reception beyond the Apennines, became naturalized among all the Sabellian tribes, and especially among the Umbrians. In its further course the alphabet experienced various fortunes in connection with the several stocks of the Etruscans on the Arno and around Capua, the Umbrians, and the Samnites; frequently the *mediæ* were entirely or partially lost, while elsewhere again new vowels and consonants were developed. But that west-Etruscan reform of the alphabet is not merely as old as the oldest tombs found in Etruria; it is considerably older, for the *syllabarium* just mentioned as found probably in one of these tombs, already presents the reformed alphabet in an essentially modified and modernized shape; and, as the reformed alphabet itself is relatively recent as compared with the primitive one, the mind almost fails in the effort to reach back to the time when that alphabet came to Italy.

Development of alphabets in Italy.

While the Etruscans thus appear as the instruments in diffusing the alphabet in the north, east, and south of the peninsula, the Latin alphabet again was confined to Latium, and maintained its ground there, with, upon the whole, but few alterations; only the letters γ κ and ζ σ gradually became coincident in sound, the consequence of which was, that in

each case one of the homophonous signs (κ ζ) disappeared from writing. In Rome it can be shown that these were already laid aside when the Twelve Tables were committed to writing. Now when we consider that in the oldest abbreviations the distinction between γ *c* and κ *k* is still regularly maintained;* that the period, accordingly, when the sounds became in pronunciation coincident, and before that again the period during which the abbreviations became fixed, were far earlier than the origin of the Twelve Tables; and lastly, that a considerable interval must necessarily have elapsed between the introduction of writing and the establishment of a conventional system of abbreviation, we must, both as regards Etruria and Latium, carry back the commencement of the art of writing to an epoch which more closely approximates to the first incidence of the Ægyptian dog-star period within historical times, the year 1322 B.C., than to the year 776, with which the chronology of the Olympiads began in Greece.† The high antiquity of the art of writing in Rome is evinced otherwise by numerous and plain indications. The existence of documents of the regal period is sufficiently attested; such was the special treaty between Rome and Gabii, which was concluded by a king Tarquinius and probably not by the last of that name, and which, written on the skin of the bullock sacrificed on the occasion, was preserved in the temple of Sancus on the Quirinal, which was rich in antiquities and probably escaped the conflagration of the Gauls; and such was the alliance which King Servius Tullius concluded with Latium, and which Dionysius saw on a copper tablet in the temple of Diana on the Aventine. What he saw, however, was probably a copy restored after the burning with the help of a Latin exemplar, for it is not likely that engraving on metal was practised in the time of the kings. But even then they

* Thus C. represents *Gaius*; CN. *Gnæus*; while K. stands for *Kæso*. With the more recent abbreviations of course this is not the case; in these γ is represented not by C, but by G (GAL. *Galeria*), κ, as a rule, by C (C. *centum*, COS. *consul*; COL. *Collina*), but not unfrequently before *a* by K (KAR. *karmentalia*; MERK. *merkatus*).

† If this view is correct, the origin of the Homeric poems (though of course not exactly in the form in which we now have them) must have been far anterior to the age which Herodotus assigns for the flourishing of Homer (100 before Rome), for the introduction of the Hellenic alphabet into Italy, as well as the beginning of intercourse at all between Hellas and Italy, belongs only to the post-Homeric period.

850.

scratched (*exarare, scribere*, akin to *scrobes**) or painted (*linere*, thence *littera*) on leaves (*folium*), inner bark (*liber*), or wooden tablets (*tabula, album*), afterwards also on leather and linen. The sacred records of the Samnites as well as of the priesthood of Anagnia were inscribed on linen rolls, and so were the oldest registers of the Roman magistrates preserved in the temple of the goddess of recollection (*Juno Moneta*) on the Capitol. It is scarcely necessary to recall further proofs in the primitive marking of the pastured cattle (*scriptura*), in the mode of addressing the senate, "fathers and enrolled" (*Patres conscripti*), and in the great antiquity of the books of oracles, the gentile registers, and the Alban and Roman calendars. When the Roman tradition already about the time of the expulsion of the kings speaks of halls in the Forum, where the boys and girls of the nobles were taught to read and write, the statement may be, but is not necessarily to be deemed, an invention. We have been deprived of information as to the early Roman history, not in consequence of the want of a knowledge of writing or even perhaps of the lack of documents, but in consequence of the incapacity of the historians of the succeeding age (which was called to investigate the history) to work out the materials furnished by the archives, and the perversity which led them to ransack tradition for the delineation of motives and of characters, for accounts of battles and narratives of revolutions, and in pursuit of these to miss such information as it would not have refused to yield to the serious and self-denying inquirer.

Results.

The history of Italian writing thus furnishes in the first place a confirmation of the weak and indirect influence exercised by the Hellenic character over the Sabellians as compared with the more western peoples. The fact that the former received their alphabet from the Etruscans and not from the Romans is probably to be explained by supposing that they had obtained it before they entered upon their migration along the ridge of the Apennines, and that the Sabines and Samnites accordingly took it along with them when they were sent forth from the mother-land. On the other hand this history of writing contains a salutary warning against the adoption of the hypothesis, originated by the later Roman culture in its devotedness to Etruscan mysticism

* Just as the old Saxon *writan* signifies properly to tear, thence to write.

and antiquarian trifling, and patiently repeated by modern and even very recent inquirers, that Roman civilization derived its germs and its main substance from Etruria. If this were the truth, some traces of it should be especially apparent in this field; but on the contrary the nucleus of the Latin art of writing was Greek, and its development was so national, that it did not even adopt the very desirable Etruscan sign for *f*. Indeed, when there is an appearance of borrowing, as in the numeral signs, the borrowing was on the part of the Etruscans, who derived from the Romans at least the sign for 50.

Corruption of language and writing.

In fine, it is a significant fact that among all the Italian stocks the development of the Greek alphabet chiefly consisted in a process of corruption. Thus the *mediæ* disappeared in the whole of the Etruscan dialects, while the Umbrians lost *γ* and *d*, the Samnites *d*, and the Romans *γ*; and among the latter *d* also threatened to amalgamate with *r*. In like manner among the Etruscans *o* and *u* early coalesced, and even among the Latins we meet with a tendency to the same corruption. Nearly the converse occurred in the case of the sibilants; for while the Etruscan retained the three signs *z*, *s*, *sh*, and the Umbrian rejected the last but developed two new sibilants in its room, the Samnite and the Faliscan confined themselves like the Greek to *s* and *z*, and the Roman of later times to *s* alone. It is plain that the more delicate distinctions of sound were duly felt by the introducers of the alphabet, men of culture and masters of two languages; but after the national writing became wholly detached from the Hellenic mother-alphabet, the *mediæ* and *tenues* gradually came to coincide, and the sibilants and vowels were thrown into disorder—shiftings or rather destructions of sound, of which the first in particular is entirely foreign to the Greek. The destruction of the forms of flexion and derivation went hand in hand with this corruption of sounds. The cause of this barbarization was, upon the whole, simply the necessary process of corruption which is continuously eating away every language, where its progress is not checked by literature and reason; only in this case evidences of what has elsewhere passed away without leaving a trace have been preserved in the writing of sounds. The circumstance that this barbarizing process affected the Etruscans more strongly than any other of the Italian stocks adds to the numerous proofs of their inferior

capacity for culture. The fact on the other hand that, among the Italians, the Umbrians apparently were the most affected by a similar corruption of language, the Romans less so, the southern Sabellians least of all, probably finds its explanation, at least in part, in the more lively intercourse maintained by the former with the Etruscans, and by the latter with the Greeks.

CHAPTER XV.

ART.

Artistic endowments of the Italians.

POETRY is impassioned language, and its modulation is melody. While in this sense no people is without poetry and music, some nations have received a pre-eminent endowment of poetic gifts. The Italian nation, however, was not and is not one of these. The Italian is deficient in the passion of the heart, and in the longing to idealize what is human and to give life to the things of the inanimate world, which form the very essence of poetic art. His acuteness of perception and his charming versatility enabled him to excel in irony and in the vein of tale-telling such as we find in Horace and Boccaccio, in the graceful pleasantries of love and song which are presented in Catullus and in the best popular songs of Naples, above all in low comedy and in farce. Italian soil gave birth in ancient times to burlesque tragedy, and in modern times to burlesques of the poetry of chivalry. In rhetoric and theatrical art especially no other nation equalled or equals the Italians. But in the more perfect kinds of art they have hardly advanced beyond cleverness of execution, and no epoch of their literature has produced a true epos or a genuine drama. The very highest literary works that have been successfully produced in Italy, divine poems like Dante's Commedia, and historical treatises such as those of Sallust and Macchiavelli, of Tacitus and Colletta, are pervaded by a passion more rhetorical than spontaneous. Even in music, both in ancient and modern times, real creative talent has been far less conspicuous than the facility, which speedily assumes the character of virtuoso-ship, and enthrones in the room of genuine and

genial art a hollow and heart-withering idol. The field of the inward in art (so far as we may in the case of art distinguish theinward and outward at all) is not that which has fallen to the Italian as his special province; the power of beauty, to have its full effect upon him, must be placed, not ideally before his mind, but sensuously before his eyes. Accordingly he is thoroughly at home in architecture, painting, and sculpture; in these he was during the epoch of ancient culture the best disciple of the Hellenes, and in modern times he has become the instructor of all nations.

Dance, music, and song in Latium.

From the defectiveness of our traditional information it is not possible to trace the development of artistic ideas among the several groups of nations in Italy; and in particular we are no longer in a position to speak of the poetry of Italy, we can only speak of that of Latium. Latin poetry, like that of every other nation, began in the lyrical form, or, to speak more correctly, sprang out of those primitive festal rejoicings, in which dance, music, and song were still inseparably blended. It is remarkable, however, that in the most ancient religious usages dancing, and next to dancing instrumental music, were far more prominent than song. In the great and solemn procession, with which the principal festival at Rome was opened, the chief place, next to the images of the gods and the intending competitors, was assigned to the dancers grave and merry. The grave dancers were arranged in three groups of men, youths, and boys, all clad in red tunics with copper belts, with swords and short lances, the men being moreover furnished with helmets, and generally in full armed attire. The merry dancers were divided into two companies, the "sheep" in sheepskins with a party-coloured over-garment, and the "goats" naked down to the waist, with a buck's skin thrown over them. In like manner the "leapers" (*salii*) were perhaps the most ancient and sacred of all the priesthoods (P. 175), and dancers (*ludii*) were indispensable in all public processions, and particularly at funeral solemnities. Accordingly dancing became in very ancient times a common trade. But, wherever the dancers made their appearance, there appeared also the musicians or (which was in the earliest times the same thing) the pipers. They too were never wanting at a sacrifice, at a marriage, or at a funeral; and by the side of the primitive priesthood of the "leapers" there was ranged, of equal antiquity, although of far inferior rank,

the guild of the "pipers" (*collegium tibicinum*, P. 202), whose true character as strolling musicians is evinced by their ancient privilege, maintained even in spite of the strictness of Roman police, of wandering through the streets at their annual festival, wearing masks and full of sweet wine. While dancing thus presents itself as an honourable function, and music as one subordinate but still necessary, and public corporations were therefore instituted for both of these, poetry appears rather as an incidental and, so to speak, uncalled for phenomenon, whether it may have come into existence by itself, or as an accompaniment to the movements of the dancers.

Religious chants.

The earliest chant, in the view of the Romans, was that which the leaves sang to themselves in the green solitude of the forest. The whispers and pipings of the "favourable spirit" (*Faunus*, from *favere*) in the grove were repeated to men by the singer (*vates*), or by the songstress (*casmena*, *carmenta*) who had the gift of listening to him, with the accompaniment of the pipe, and in rhythmically measured language (*casmen*, afterwards *carmen*, from *canere*); and the names of several of these divinely inspired interpreters, above all that of an ancient seer and singer, Marcius, lingered long in the memory of posterity. Of a kindred nature to these soothsaying songs were the incantations properly so called, the formulæ for conjuring away diseases and other troubles, and the evil spells by which they prevented the rain and called down the lightning, or even enticed the seed from one field to another; only in these instances, probably from the very first, formulæ of mere sounds appear side by side with formulæ of words.* More firmly rooted in tradition and equally primitive were the religious litanies which were sung and danced by the Salii and other priesthoods, and the only one of which that has come down to us, a dance-chant of the Arval Brethren in honour of Mars, probably composed to be sung in alternate parts, well deserves a place here.

* Thus Cato the Elder (*de R. R.* 160), gives as potent against sprains the formula: *huat huat huat ista pista sista damia bodanna ustra*, which was probably as obscure to its inventor as it is to us. Of course, along with these there were also formulæ of words; *e. g.* it was a remedy for gout, to think, while fasting, on some other person, and thrice nine times to utter the words, touching the earth at the same time and spitting:—"I am thinking of thee, mend my feet. Let the earth receive the ill, let health with me dwell" (*terra pestem teneto, salus hic maneto.* Varro *de R. R.* i. 2, 27).

Enos, Lases, iuvate!
Neve lue rue, Marmar, sins incurrere in pleores!
Satur fu, fere Mars! limen sali! sta! berber!
Semunis alternis advocapit conctos!
Enos, Marmor, iuvato!
Triumpe!

To the gods. {Nos, Lares, iuvate!
Ne luem ruem (= ruinam), Mamers, sinas incurvere in plures!
Satur esto, fere Mars!

To the individual brethren. {In limen insili! sta! verbera (limen?)!

To all the brethren. {Semones alterni advocate cunctos.

To the god. {Nos, Mamers, iuvato!

To the individual brethren. {Tripudia!*

The Latin of this chant and of kindred fragments of the Salian songs, which were regarded even by the philologists of the Augustan age as the oldest documents of their mother-tongue, is related to the Latin of the Twelve Tables somewhat as the language of the Nibelungen is related to the language of Luther; and we may perhaps compare these venerable litanies, as respects both language and contents, with the Indian Vedas.

Panegyrics and lampoons.

Lyrical panegyrics and lampoons belonged to a later epoch. We might infer from the national character of the Italian people, that satirical songs must have abounded in Latium in ancient times, even if their prevalence had not been attested by the very ancient measures of police directed against them. But the panegyrical chants were of more importance. When a burgess was borne to burial, the bier was followed by a female relative or friend, who, accompanied by a piper, sang his dirge (*nenia*). In like manner at banquets boys who, according to the fashion of those days, attended their fathers even at feasts out of their own houses, sang by turns songs in praise of their ancestors, sometimes to the pipe, sometimes simply reciting them without accompaniment (*assa voce canere*). The custom of men singing at banquets in succession was probably borrowed from the Greeks, and that not till a later age.

* Each of the first five lines was repeated thrice, and the call at the close five times. Various points in the interpretation are uncertain, particularly as respects the third and fourth lines.

We know no further particulars of these ancestral lays, but it is self-evident that they must have attempted description and narration, and thus have developed along with and out of the lyrical element the features of epical poetry.

The masked farce.

Other elements of poetry were called into action in the primitive popular carnival, the comic dance or *satura* (P. 29), which beyond doubt reached back to a period anterior to the separation of the stocks. On such occasions song would never be wanting; and the circumstances under which such pastimes were exhibited, chiefly at public festivals and marriages, as well as the eminently practical shape which they did certainly assume, very naturally suggested that several dancers, or sets of dancers, should take up reciprocal parts; so that the singing thus came to be associated with a species of acting, which of course was chiefly of a comical, and often of a licentious character. In this way there arose not merely alternating chants, such as afterwards went by the name of Fescennine songs, but also the elements of a popular comedy—which were in this instance planted in a soil admirably adapted for their growth, as an acute sense of the outward and the comic, and a delight in gesticulation and masquerade have ever been leading traits of Italian character.

No remains have been preserved of these germs of the Roman epos and drama. That the ancestral lays were traditional is self-evident, and is abundantly demonstrated by the fact that they were regularly recited by children; but even in the time of Cato the Elder they had completely passed into oblivion. The comedies, again, if it be allowable to apply to them such a name, were at this period and long afterwards altogether improvised. Consequently nothing of this popular poetry and popular melody could be handed down but the measure, the accompaniment of music and choral dancing, and perhaps the masks.

Metre.

Whether what we call metre existed in the earlier times is doubtful; the litany of the Arval Brethren scarcely accommodates itself to an outwardly fixed musical system, and presents to us rather the appearance of an animated recitation. On the other hand we find in subsequent times a very ancient rhythm, the so-called Saturnian * or Faunian metre,

* The name probably denotes nothing but "chant-measure," inasmuch as the *sătura* was originally the chant sung at the carnival. The god of sowing, *Sæturnus*, or *Saiturnus* afterwards *Sāturnus*, received his name from

which is foreign to the Greeks, and may be conjectured to have arisen contemporaneously with the oldest Latin popular poetry. The following poem, belonging, it is true, to a far later age, may give an idea of it:—

Quod ré suá difeidens—ásperé afleicta
Parénz timens heic vóvit—vóto hóc solúto
Decumá fuctá poloúcta—leibereis lubéntes
Donú danúnt ⏑ Hércolei—máxsumé ⏑ méreto
Semól te oránt se vóti—crébro cón ⏑ démnes.

⏑ – ⏑ – ⏑ – ⏑ – ‖ – ⏑ – ⏑ – ⏑ –

That which, misfortune dreading—sharply to' afflict him,
An anxious parent vowed here,—when his wish was granted,
A sacred tenth for banquet—gladly give his children
To Hercules a tribute—most of all deserving;
And now they thee beseech, that—often thou wouldst hear them.

Panegyrics as well as comic songs appear to have been uniformly sung in Saturnian metre, of course to the pipe, and probably in such a way that the *cæsura* in particular in each line was strongly marked; and in alternate singing the second singer probably took up the verse at this point. The Saturnian measure is, like every other occurring in Roman and Greek antiquity, based on quantity; but of all the antique metres perhaps it is the least thoroughly elaborated, for besides many other liberties it allows itself the greatest license in omitting the short syllables, and it is at the same time the most imperfect in construction, for these iambic and trochaic half-lines opposed to each other were but little fitted to develop a rhythmical structure adequate for the purposes of the higher poetry.

Melody.

The fundamental elements of the national music and choral dancing of Latium, which must likewise have been established during this period, are buried in oblivion; except that the Latin pipe is reported to have been a short and slender instrument, provided with only four holes, and originally, as the name shows, made out of the light thigh-bone of some animal.

Masks.

Lastly, the masks used in after times for the standing cha-

the same root; but the immediate association of the *versus Sāturnius* with him, and the lengthening of the first syllable in connection with that view, probably belong to later times.

racters of the Latin popular comedy or the Atellana, as it was called; Maccus the harlequin, Bucco the glutton, Pappus the good papa, and the wise Dossennus (masks which have been cleverly and strikingly compared to the two servants, the *pantalon* and the *dottore*, in the Italian comedy of Punch) already belonged to the earliest Latin popular art. That they did so cannot of course be strictly proved; but as the use of masks for the face in Latium in the case of the national drama was of immemorial antiquity, while the Greek drama in Rome did not adopt them for a century after its first establishment, as moreover those Atellane masks were of decidedly Italian origin, and as, in fine, the origination as well as the execution of improvised pieces cannot well be conceived apart from fixed masks assigning once for all to the player his proper position throughout the piece, we must associate fixed masks with the rudiments of the Roman drama, or rather regard them as constituting those rudiments themselves.

Earliest Hellenic influences.

If our information respecting the earliest indigenous civilization and art of Latium is so scanty, it may easily be conceived that our knowledge will be still scantier regarding the earliest impulses imparted in this respect to the Romans from without. In a certain sense we may include under this head their becoming acquainted with foreign languages, particularly the Greek. To this latter language, of course, the Latins generally were strangers, as was shown by their enactment in respect to the Sibylline oracles (P. 187); but an acquaintance with it must have been not at all uncommon in the case of merchants. The same may be affirmed of the knowledge of reading and writing, closely connected as it was with the knowledge of Greek (P. 221). The culture of the ancient world, however, was not based on the knowledge of foreign languages, nor on elementary technical accomplishments. An influence more important than any thus imparted was exercised over the development of Latium by the elements of the fine arts, which were already in very early times received from the Hellenes. For it was the Hellenes alone, and not the Phœnicians or the Etruscans, that in this respect exercised influence on the Italians. We nowhere find among the latter any stimulus given to the fine arts which can be traced to Carthage or Cære, and the Phœnicians and Etruscans may be in general regarded as presenting barren and unproductive types

of civilization.* But the influence of Greece did not fail to bear fruit. The Greek seven-stringed *lyra*, the "strings" (*fides*, from *σφιδη*, gut, also *barbitus*, *βάρβιτος*) was not like the pipe indigenous in Latium, and was always regarded there as an instrument of foreign origin; but the early period at which it gained a footing is demonstrated partly by the barbarous mutilation of its Greek name, partly by its being employed even in ritual.† That some of the legendary stores of the Greeks already during this period found their way into Latium, is shown by the ready reception of Greek works of sculpture with their representations based so thoroughly upon the poetical treasures of the nation; and the old Latin barbarous conversions of Persephone into Prosepna, Bellerophontes into Melerpanta, Kyklops into Cocles, Laomedon into Alumentus, Ganymedes into Catamitus, Neilos into Melus, Semele into Stimula, enable us to perceive at how remote a period such stories had been already heard and repeated by the Latins. Lastly and especially, the Roman chief or city festival (*ludi maximi Romani*) must have derived, if not its origin, at any rate its later arrangements, from a Greek source. It was an extraordinary festival, celebrated in honour of the Capitoline

* The statement that "formerly the Roman boys were trained in Etruscan culture, as they were in later times in Greek" (Liv. ix. 36), is quite irreconcilable with the original nature of the Roman system of education; and it is not easy to discover what the Roman boys could have learnt in Etruria. Even the most zealous modern partisans of Tages-worship will not maintain that the study of the Etruscan language played such a part in Rome then, as *e. g.* the learning of French does now with us; that one who was not an Etruscan should have any understanding of the art of the Etruscan *haruspices*, was considered, even by those who availed themselves of that art, to be a disgrace, or rather an impossibility (Müller, *Etr.* ii. 4). Probably the whole statement was concocted by the Etruscizing antiquaries of the last age of the republic, out of rationalistic stories of the older annals, such as that which makes Mucius Scævola learn Etruscan when a child, for the sake of his conversation with Porsena (Dionysius, v. 28; Plutarch, *Poplicola*, 17; comp. Dionysius, iii. 70).

† The employment of the lyre in ritual is attested by Cicero *de Orat.* iii. 51, 197; *Tusc.* iv. 2, 4; Dionysius, vii. 72; Appian, *Pun.* 66; and the inscription in Orelli, 2448 compared with 1803. It was likewise used at the *neniæ* (Varro *ap.* Nonium, *v. nenia* and *præficæ*). But playing on the lyre remained none the less unbecoming (Scipio *ap.* Macrob. *Sat.* ii. 10, *et al.*). The prohibition of music in 639 U.C., exempted only the "Latin player on the pipe along with the singer," not the player on the lyre, and the guests at meals sang only to the pipe (Cato in Cic. *Tusc.* i. 2, 3; iv. 2, 3; Varro *ap.* Nonium, *v. assa voce;* Horace, *Carm.* iv. 15, 30). Quintilian, who asserts the reverse (*Inst.* i. 10, 20), has inaccurately transferred to private banquets what Cicero (*de Orat.* iii. 51) states in reference to the feasts of the gods. 114.

Jupiter and the gods associated with him, the observance of which was, as a rule, the result of a vow made by the general before battle, and therefore usually took place on the return home of the burgess force in autumn. A festal procession proceeded towards the circus staked off between the Palatine and Aventine, and furnished with an arena and places for spectators; in front the whole boys of Rome, arranged according to the divisions of the burgess-force, on horseback and on foot; then the competitors and the groups of dancers whom we have described above, each with their own music; thereafter the servants of the gods with vessels of frankincense and other sacred utensils; lastly the biers with the images of the gods themselves. The spectacle itself was the counterpart of war, as it was waged in primitive times, a contest with chariots, on horseback, and on foot. First there ran the war-chariots, each of which carried in Homeric fashion a charioteer and a combatant; then the combatants who had leaped off; then the horsemen, each of whom appeared after the Roman style of fighting with a horse which he rode and another led by the hand (*desultor*); lastly, the combatants on foot, naked to the girdle round their loins, measured their mutual powers in racing, wrestling, and boxing. In each species of contest there was but one competition, and that between not more than two competitors. A chaplet rewarded the victor, and the honour in which the simple branch which formed the wreath was held is shown by the law permitting it to be laid on the bier of the victor when he died. The festival thus lasted only one day, and the competitions probably still left time on that day for the real carnival, at which the groups of dancers displayed their art and above all exhibited their farces; and perhaps other representations also, such as competitions in juvenile horsemanship, took place.* The honours won in real war

* The city-festival can have only lasted at first for a single day, for in the sixth century it still consisted of four days of scenic and one day of Circensian sports (Ritschl, *Parerga*, i. 313), and it is well known that the scenic amusements were only a subsequent addition. That in each kind of contest there was originally only one competition, follows from Livy, xliv. 9; the running of five-and-twenty pairs of chariots in succession on one day was a subsequent innovation (Varro *ap.* Serv. *Georg.* iii. 18). That only two chariots (and likewise beyond doubt only two horsemen and two wrestlers) strove for the prize, may be inferred from the circumstance, that at all periods, in the Roman

also played their part in this festival; the brave warrior exhibited on this day the equipments of the antagonists he had slain, and was decorated with a chaplet by the grateful community.

Such was the nature of the Roman festival of victory or civic festival; and the other public festivities of Rome may be conceived to have been of a similar character, although less ample in point of resources. At the celebration of a public funeral dancers regularly bore a part, and along with them, if there was to be any further exhibition, horse-racers; in that case the burgesses were specially invited beforehand to the funeral by the public crier.

But this city-festival, so intimately bound up with the manners and exercises of the Romans, coincides in all essentials with the Hellenic national festivals; particularly, in the fundamental idea of combining a religious solemnity and a competition in warlike sports; in the selection of the several exercises, which at the Olympic festival, according to Pindar's testimony, consisted from the first in running, wrestling, boxing, chariot-racing, and throwing the spear and stone; in the quality of the prize of victory, which in Rome as well as in the Greek national festivals was a chaplet, and in the one case as well as in the other was assigned not to the charioteer, but to the owner of the team; lastly, in the introducing the feats and rewards of general patriotism in connection with the general national festival. This agreement cannot have been accidental, but must have been either a remnant of the primitive connection between the peoples, or a result of the earliest international intercourse; and the probabilities preponderate in favour of the latter hypothesis. The city-festival, in the form in which we are acquainted with it, was not one of the oldest institutions of Rome, for the circus itself was only laid out in the later regal period (P. 118); and just as the reform of the constitution then took place under Greek influence (P. 103), the city-festival may have been at the same time so far transformed

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chariot-race, only as many chariots competed as there were so-called factions; and of these there were originally only two, the white and the red. The horsemanship competition of patrician youths, which belonged to the Circensian games, the so-called Troia, was, as is well known, revived by Cæsar; beyond doubt it was connected with the cavalcade of the boy-militia, which Dionysius mentions (vii. 72).

as to combine Greek races with, and eventually to a certain extent to substitute them for, an older mode of amusement—the "leap" (*triumpus*, P. 29), or possibly swinging, which was a primitive Italian custom and long continued in use at the festival on the Alban mount. Moreover while there is some trace of the use of the war-chariot in actual warfare in Hellas, no such trace exists in Latium. In fine the Greek term στάδιον (Doric σπάδιον) was at a very early period transferred to the Latin language, retaining its signification, as *spatium*; and there exists even an express statement that the Romans derived their horse and chariot races from the people of Thurii, although, it is true, another account derives them from Etruria. It thus appears that in addition to the impulses imparted by the Hellenes in music and poetry, the Romans were indebted to them for the fruitful idea of gymnastic competitions.

Character of poetry and of education in Latium.

Thus there not only existed in Latium the same fundamental elements in which Hellenic culture and art originated, but Hellenic culture and art themselves exercised a powerful influence over Latium in very early times. Not only did the Latins possess the elements of gymnastic training, seeing that the Roman boy learned like every farmer's son to manage horses and waggon and to handle the hunting-spear, and that in Rome every burgess was at the same time a soldier; but the art of dancing was from the first an object of public care, and a powerful impulse was further given to such culture at an early period by the introduction of the Hellenic games. The lyrical poetry and tragedy of Hellas grew out of songs similar to the festal lays of Rome; the ancestral lay contained the germs of epos, the masked farce the germs of comedy; and in this field also Grecian influences were not wanting.

In such circumstances it is the more remarkable that these germs either did not spring up at all, or were soon arrested in their growth. The bodily training of the Latin youth continued to be solid and substantial, but it remained altogether alien from the idea of an artistic bodily culture, such as was the aim of Hellenic gymnastics. The public games of the Hellenes, when introduced into Italy, changed not so much their normal form as their essential character. While they were intended to be competitions of burgesses and beyond doubt were so at first in Rome, they became contests of trained riders and trained boxers, and, while the

proof of free and Hellenic descent formed the first condition for participating in the Greek festal games, those of Rome soon passed into the hands of freedmen and foreigners and even of persons not free at all. Consequently the circle of fellow-competitors became converted into a public of spectators, and the chaplet of the victorious champion, which has been with justice called the true badge of Hellas, was afterwards hardly ever mentioned in Latium.

A similar fate befel poetry and her sisters. The Greeks and Germans alone possess a fountain of song that wells up spontaneously; from the golden vase of the Muses only a few drops have fallen on the green soil of Italy. There was no formation of legend in the strict sense there. The Italian gods were abstractions and remained such; they never became elevated into or, as some would prefer to say, never were obscured under a true personal shape. In like manner men, even the greatest and noblest, remained in the view of the Italians without exception mortals, and were not, as in Greece, through longing recollection and affectionately cherished tradition elevated in the conception of the multitude into godlike heroes. But above all no development of national poetry took place in Latium. It is the deepest and noblest effect of the fine arts and above all of poetry, that they do away with the barriers of civil communities, and create out of tribes one nation and out of the nations one world. As in the present day by means of our cosmopolitan literature the distinctions of civilized nations are done away, so Greek poetic art transformed the narrow and egotistical sense of tribe-relationship into the consciousness of an Hellenic nation, and that again into the consciousness of a broad humanity. But in Latium nothing similar occurred. There might be poets in Alba and in Rome, but there arose no Latin epos, nor (even what were still more conceivable) a catechism for the Latin farmer of a kind similar to the Works and Days of Hesiod. The Latin federal festival might well have become a national festival of the Muses, like the Olympia and Isthmia of the Greeks. A cycle of legends might well have gathered around the fall of Alba, such as was woven around the conquest of Ilion, and every community and every noble *gens* of Latium might have discovered or inserted the story of its own origin there. But neither of these results took place, and Italy remained without national poetry or art.

The inference which of necessity follows from these facts, that the development of the fine arts in Latium was rather a shrivelling up than an expanding into bloom, is confirmed in a manner not to be mistaken by tradition. The beginnings of poetry everywhere, perhaps, belong rather to women than to men; the spell of incantation and the chant for the dead pertain pre-eminently to the former, and not without reason the spirits of song, the Camenæ of Latium and the Muses of Hellas, were conceived as feminine. But the time came in Hellas, when the poet relieved the songstress and Apollo took his place at the head of the Muses. In Latium, however, there was no national god of song, and the language of the land had no current word of native growth to designate the poet who composed what he sang.* That the power of song appeared there weak out of all proportion, and was rapidly arrested in its growth, is most clearly attested by the early restriction of the exercise of the fine arts partly to women and children, partly to incorporated or unincorporated tradesmen. We have already mentioned that funeral chants were sung by women, and banquet-lays

* It is a circumstance common to all languages that the idea and the name of the poet are late in presenting themselves; but it is a circumstance peculiar to the Latin that it has not produced any name at all for the poet, but has borrowed its appellations for him from neighbouring languages. *Poeta*, which is in use already in Ennius, is, as everybody knows, borrowed from the Greek; the other term similarly employed, *vates*, is most probably of Celtic origin. *Vates*, having no demonstrable root or analogy in the Latin language, sounds altogether foreign to it. On the other hand, it corresponds exactly (as Zeuss has observed in his *Gramm. Celtica*, i. p. 57) to the old Erse word of the same meaning, *faith*, and Strabo (iv. 4, 4, p. 197, *Casaub.*) names, doubtless on the authority of Posidonius, as the three prominent orders among the Celts, the Bards, Vates, and Druids. Moreover *vates* denoted both among the Celts and the Romans primarily the soothsayer, as is indicated both by Strabo's explanation (*l. c.* ἱεροποιοί καὶ φυσιόλογοι) and by the older *usus loquendi* in Latin. Ennius, for instance (*Trag.* 356, Vahlen), speaks of *superstitiosi vates impudentesque arioli*; and in a similar sense of reproach rather than of commendation, he uses the term at two other passages (*Ann.* 222, 370, Vahlen) as it is also employed by Cato (*Fragm.* p. 77, Jordan). *Vates* denoted the poet only in so far as the oracle was frequently given forth in verse; in this sense, and with special reference to the *vates Marcius*, Ennius, at the second of the passages cited, speaks of the verses *quos olim Fauni vatesque canebant*. The nobler significance of the word, and the habit of applying it directly to the god-inspired singer, belong to the age of the empire.

The hypothesis, moreover, that words from the Celtic languages already in early times passed over into the languages of Italy, has nothing in it startling, because the two peoples early came into contact in Lombardy. Besides, the certainly Celtic word *ambactus* is likewise found in Ennius.

by boys; the religious litanies also were chiefly executed by children. The musicians formed an incorporated, the dancers and the wailing women (*præficæ*) unincorporated, trades. While dancing, music, and singing remained constantly in Greece (as they were originally also in Latium) reputable employments redounding to the honour of the burgess and of the community to which he belonged, in Latium the better portion of the burgesses recoiled from the practice of such vain arts, and that more decidedly in proportion as art came to be more publicly exhibited and more thoroughly penetrated by the quickening impulses communicated from other lands. The use of the native pipe was sanctioned, but the lyre remained despised; and while the national amusement of masks was allowed, the foreign amusements of the *palæstra* were not only regarded with indifference, but were esteemed disgraceful. While the fine arts in Greece became more and more the common property of the Hellenes individually and collectively, and thereby became channels for the diffusion of a universal culture, they gradually disappeared in Latium from the thoughts and feelings of the people; and, as they degenerated into utterly insignificant handicrafts, the idea of a general national culture to be communicated to youth never suggested itself at all. The education of youth remained thoroughly confined within the limits of the narrowest domesticity. The boy never left his father's side, and accompanied him not only to the field with the plough and the sickle, but also to the house of a friend or to the council-hall, when his father was invited as a guest or summoned to the senate. This domestic education was well adapted to train man wholly for the household and wholly for the state. The permanent intercommunion of life between father and son, and the mutual reverence felt by adolescence for ripened manhood and by the mature man for the innocence of youth, lay at the root of the steadfastness of the domestic and political traditions, of the closeness of the family bond, and in general of the grave earnestness (*gravitas*) and character of moral worth in Roman life. This mode of educating youth was in truth one of those institutions of homely and scarce conscious wisdom, which are as simple as they are profound. But amidst the admiration which it awakens we may not overlook the fact that it could only be carried out, and was only carried out, by the sacrifice of true individual culture, and

by complete renunciation of the equally charming and perilous gifts of the Muses.

Dance, music, and song among the Sabellians and Etruscans.

Regarding the development of the fine arts among the Etruscans and Sabellians our knowledge is little better than none.* We can only notice the fact that in Etruria the dancers (*histri, histriones*) and the pipe-players (*subulones*) early made a trade of their art, probably earlier even than in Rome, and exhibited themselves in public not only at home, but also in Rome for small remuneration and less honour. It is a circumstance more remarkable that at the Etruscan national festival, in the exhibition of which the whole twelve cities were represented by a federal priest, games were given like those of the Roman city festival; we are, however, no longer in a position to answer the question which it suggests, how far the Etruscans were more successful than the Latins in attaining a national art not confined to the narrow bounds of the individual communities. On the other hand a foundation probably was laid in Etruria, even in early times, for that insipid accumulation of learned lumber, particularly of a theological and astrological nature, by virtue of which afterwards, when amidst the general decay antiquarian dilettantism began to flourish, the Tuscans divided with the Jews, Chaldeans, and Egyptians the honour of being accounted the primitive sources of divine wisdom. We know still less, if possible, of Sabellian art; but that of course by no means warrants the inference that the Sabellians were inferior to the neighbouring stocks. On the contrary, it may be conjectured from what we otherwise know of the character of the three chief races of Italy, that in artistic gifts the Samnites approached nearest to the Hellenes and the Etruscans were farthest removed from them; and a sort of confirmation of this hypothesis is furnished by the fact, that the most gifted and most original of the Roman poets, such as Nævius, Ennius, Lucilius, and Horace, belonged to the Samnite lands, whereas Etruria has almost no representatives in Roman literature, except the Arretine Mæcenas, the most insufferable of all heartless and effeminate court-poets, and the Volaterran Persius, the true ideal of a conceited and languid poetry-smitten boy.

* We shall show in due time that the Atellanæ and Fescenninæ belonged not to Campanian and Etruscan, but to Latin art.

The elements of architecture were, as has been already indicated, a primitive common possession of the stocks. The dwelling-house constituted the first attempt of structural art; and it was the same among Greeks and Italians. Built of wood, and covered with a pointed roof of straw or shingles, it formed a square dwelling-chamber, which let out the smoke and let in the light by an opening in the roof, corresponding with a hole, for carrying off the rain in the ground (*cavum ædium*). Under this blackened roof (*atrium*) the meals were prepared and consumed; there the household gods were worshipped, and the marriage bed and the bier were set out; there the husband received his guests, and the wife sat spinning amid the circle of her maidens. The house had no porch, unless we take as such the uncovered space between the house door and the street, which obtained its name, *vestibulum, i. e.* dressing-place, from the circumstance that the Romans were in the habit of going about in the house in their tunics, and only wrapped the toga around them when they went abroad. There was, moreover, no division of apartments, except that sleeping and store closets might be provided around the dwelling-room; and still less were there stairs, or stories placed one above another. Earliest Italian architecture.

Whether, or to what extent, there arose out of these beginnings a national Italian architecture can scarcely be determined, for in this field Greek influence, even in the earliest times, had a very powerful effect, and almost wholly overgrew such national attempts as possibly had preceded it. The very oldest Italian architecture with which we are acquainted is not much less under the influence of that of Greece than the architecture of the Augustan age. The primitive tombs of Cære and Alsium, and probably the oldest also of those recently discovered at Præneste, have been, exactly like the *thesauroi* of Orchomenos and Mycenæ, roofed over with layers of stone placed one above another, gradually overlapping, and closed by a large stone cover. A very ancient building near the city wall of Tusculum was roofed in the same way, and so was originally the well-house (*tullianum*) at the foot of the Capitol, till the top was pulled down to make room for another building. The gates constructed on the same system are entirely similar in Arpinum and in Mycenæ. The emissary of the Alban (P. 40), presents the greatest resemblance to that of the Copaic, lake. What are called Cyclopian ring-walls frequently occur Earliest Hellenic influence.

in Italy, especially in Etruria, Umbria, Latium, and Sabina, and decidedly belong, in point of design, to the most ancient buildings of Italy, although the greater portion of those now extant were probably not executed till a later age, several of them certainly not till the seventh century of the city. They are, just like those of Greece, sometimes quite roughly formed of large unwrought blocks of rock with smaller stones inserted between them, sometimes squared in horizontal layers,* sometimes disposed in courses of polygonal dressed blocks fitting into each other. The selection of one or other of these systems was doubtless ordinarily determined by the material, and accordingly the polygonal masonry does not occur in Rome, where in the most ancient times tufo alone was employed for building. The resemblance in the case of the two former and simpler styles may perhaps be traceable to the similarity of the materials employed and of the object in view in building; but it can hardly be deemed accidental that the artistic polygonal wall-masonry, and the gate with the road leading up to it universally bending to the left and so exposing the unshielded right side of the assailant to the defenders, belong to the Italian fortresses as well as to the Greek. It is a significant circumstance, that this wall-masonry was only usual in that portion of Italy which was neither reduced

* Of this character were the Servian walls, the remains of which, recently discovered at the Aventine, both on the side towards S. Paolo in the Vigna Maccarana, and on the side towards the Tiber below S. Sabina, have been figured or described in the *Annali dell' Inst. Rom.* 1855, plates XXI.–XXV., p. 87, *seq.* The blocks of tufo are hewn in longish rectangles, and at some places, for the sake of greater solidity, are laid alternately with the long and with the narrow sides outermost. At one place, in the upper part of the wall, a large regular arch has been inserted, which is similar in style, but appears to have been added at a later date. The portions of the wall preserved consist of about fourteen courses; the upper portion is wanting, and the lower is for the most part concealed by later buildings, and often covered over with *opus reticulatum*. The wall evidently stretched quite along the edge of the hill. The continuation of these excavations inwards showed that mines and sewers traversed the Aventine hill just as they traversed the Capitoline in all directions. The latter belong to the system of *cloacæ*, the extent and importance of which in ancient Rome has been instructively discussed by Braun (*Annali dell' Inst.* 1852, p. 331). Of another piece of the Servian wall found at an early date, not far from the Porta Capena, a representation is given in Gell (*Topography of Rome*, p. 494).

Essentially similar to the Servian walls are those discovered in the Vigna Nussiner, on the slope of the Palatine, towards the Capitoline (Braun, *l. c.*), which have been, probably with justice, pronounced to be remains of the primitive circumvallation of the *Roma quadrata* (P. 51).

to subjection by the Hellenes nor cut off from intercourse with them, and that the true polygonal masonry is found in Etruria only at Pyrgi, and in the towns, not very far distant from it, of Cosa and Saturnia; and as the design of the walls of Pyrgi, especially when we take into account the significant name ("Towers"), may just as certainly be ascribed to the Greeks as that of the walls of Tiryns, in them most probably there still stands before our eyes one of the models from which the Italians learned how to build their walls. The temple, in fine, which in the period of the Empire was called the Tuscanic, and was regarded as a style of the same order with the various Greek temple-structures, not only generally resembles the Greek temple in being an enclosed space (*cella*) usually quadrangular, over which walls and columns raised aloft a sloping roof, but is also in details, especially in the column itself and its architectural features, thoroughly dependent on the Greek system. It is, in accordance with all these facts, probable, as it is credible in itself, that Italian architecture previous to its contact with the Hellenes was confined to wooden huts, abattis, and mounds of earth and stones, and that construction in stone was only adopted in consequence of the example and the better tools of the Greeks. It is scarcely to be doubted that the Italians first learned from them the use of iron, and derived from them the preparation of mortar (*cal[e]x calecare*, from χάλιξ), the machine, (*machina*, μηχανή), the measuring-rod (*groma*, a corruption from γνώμων, γνῶμα), and the artificial lattice-work (*clathri*, κλῆθρον). Accordingly we can scarcely speak of an architecture peculiarly Italian, except that in the woodwork of the Italian dwelling-houses (alongside of alterations produced in them by Greek influence) many peculiarities were retained or were for the first time developed, and these again exercised a reflex influence on the building of the Italian temples. The architectural development of the house, however, proceeded in Italy from the Etruscans. The Latins and even the Sabellians still adhered to the hereditary wooden hut, and to the good old custom of assigning to the god or spirit not a consecrated dwelling, but only a consecrated space, while the Etruscan had already begun artistically to transform his dwelling-house, and to erect after the model of the dwelling-house of man a temple also for the god and a sepulchral chamber for the spirit.

That the advance to such luxurious structures first took place in Latium under Etruscan influence, is proved by the designation of the oldest style of temple architecture and of the oldest style of house architecture respectively as Tuscanic.* As concerns the character of this transference, the Grecian temple probably imitated the general outlines of the tent or dwelling-house; but it was essentially built of square stones and covered with tiles, and the nature of the hewn stone and baked clay suggested to the Greek the laws of necessity and beauty. The Etruscan on the other hand remained a stranger to the strict Greek distinction between the dwelling of man necessarily erected of wood and the dwelling of the gods necessarily formed of stone. The peculiar characteristics of the Tuscan temple, the outline approaching nearer to a square, the higher gable, the greater breadth of the intervals between the columns, above all, the increased inclination of the roof and the singular projection of the roof-corbels beyond the supporting columns, all arose out of the greater approximation of the temple to the dwelling-house, and out of the peculiarities of wooden architecture.

Plastic art in Italy.

The plastic and delineative arts are more recent than architecture; the house must first be built ere any attempt is made to decorate gable and walls. It is not probable that these arts really gained a place in Italy during the regal period of Rome: it was only in Etruria, where commerce and piracy early gave rise to a great concentration of riches, that art or handicraft, if the term be preferred, obtained a footing in the earliest times. Greek art, when it acted on Etruria, was still, as its copy shows, at a very primitive stage, and the Etruscans probably learned from the Greeks the art of working in clay and metal at a period not much later than that at which they borrowed from them the alphabet. The silver coins of Populonia, almost the only works that can be with any precision assigned to this period, give no very high idea of Etruscan artistic skill as it then stood. It is not unlikely, however, that the best of the Etruscan works in bronze, to which the later writers of art assigned so high a place, may have belonged to this primitive age; and the Etruscan terra-cottas also cannot have been altogether despicable, for the oldest works in baked clay

* *Ratio Tuscanica: cavum ædium Tuscanicum.*

placed in the Roman temples—the statue of the Capitoline Jupiter, and the *quadriga* on the roof of his temple—were executed in Veii, and the large ornaments of a similar kind placed on the roofs of temples passed generally among the later Romans under the name of "Tuscanic works."

On the other hand, among the Italians—not among the Sabellian stocks merely, but even among the Latins—native sculpture and design were at this period only coming into existence. The most considerable works of art appear to have been executed abroad. We have just mentioned the statues of clay alleged to have been executed in Veii; and very recent excavations have shown that works in bronze made in Etruria, and furnished with Etruscan inscriptions, circulated in Præneste at least, if not generally throughout Latium. The statue of Diana in the Romano-Latin federal temple on the Aventine, which was considered the oldest statue of a divinity in Rome,* exactly resembled the Massiliot statue of the Ephesian Artemis, and was perhaps manufactured in Velia or Massilia. The guilds, which from ancient times existed in Rome, of potters, coppersmiths, and goldsmiths (P. 202), are almost the only proofs of the existence of native sculpture and design there; respecting the stand-point of their art it is no longer possible to gain any clear idea.

Artistic relations and endowments of the Etruscans and Italians.

If we endeavour to obtain historical results from these archives of the tradition and practice of primitive art, it is in the first place manifest that Italian art, like the Italian measures and Italian writing, developed itself not under Phœnician, but exclusively under Hellenic influence. There is not a single one of the aspects of Italian art which has not found its definite models in the art of ancient Greece; and, so far, the legend is fully warranted which traces the manufacture of painted clay vases, beyond doubt the most ancient form of art, in Italy to the three Greek artists, the "moulder," "fitter," and "draughtsman," Eucheir, Diopos, and Eugrammos, although it is more than doubtful whether this art came in the first instance *from* Corinth or *to*

* When Varro (*ap.* Augustin. *De Civ. Dei*, iv. 31; comp. Plutarch, *Num.* 8) affirms that the Romans for more than one hundred and seventy years worshipped the gods without images, he is evidently thinking of this primitive piece of sculpture, which, according to the conventional chronology, was dedicated between 176 and 219, and, beyond doubt, was the first statue of the gods, the consecration of which was mentioned in the authorities which Varro had before him. 577, 534.

Tarquinii. There is as little trace of any direct imitation of oriental models as there is of an independently-developed form of art. The Etruscan lapidaries adhered to the form of the beetle or *scarabæus*, which was originally Egyptian; but *scarabæi* were also used as models in carving in Greece in very early times (*e. g.* such a beetle-stone, with a very ancient Greek inscription, has been found in Ægina), and therefore they may very well have come to the Etruscans through the Greeks. The Italians may have bought from the Phœnician; they learned only from the Greek.

To the further question, from what Greek stock the Etruscans in the first instance received their art-models, a categorical answer can as little be given as to the similar inquiry regarding the alphabet; yet there subsisted relations of a remarkable kind between the Etruscan and the oldest Attic art. The three forms of art, which were practised in Etruria at least in after times very extensively, but in Greece only to an extent very limited, tomb-painting, mirror-designing, and graving on stone, have been hitherto met with on Grecian soil only in Athens or Ægina. The Tuscan temple does not correspond exactly either to the Doric or to the Ionic, but in the more important points of distinction, in the course of columns carried round the *cella*, as well as in the placing of a separate pedestal under each particular column, the Etruscan style follows the more recent Ionic; and it is this same Ionico-Attic style of building still pervaded by a Doric element, which in its general scheme stands nearest of all the Greek styles to the Tuscan. In the case of Latium there is an almost total absence of any reliable traces of intercourse bearing on the history of art. If it was (as must indeed very evidently have been the case) the general relations of traffic and intercourse that determined also the introduction of models in art, it may be assumed with certainty that the Campanian and Sicilian Hellenes were the master-instructors of Latium in art as in the alphabet; and the analogy between the Aventine Diana and the Ephesian Artemis is at least not inconsistent with such an hypothesis. Of course the older Etruscan art also served as a model for Latium. As to the Sabellian tribes, if Greek architectural and plastic art reached them at all, they must, like the Greek alphabet, have come to them only through the medium of the more western Italian stocks.

If, in fine, we are to form a judgment respecting the

artistic endowments of the different Italian nations, we already at this stage perceive—what becomes indeed far more obvious in the later stages of the history of art—that while the Etruscans perhaps practised art at an earlier period and produced more massive and rich workmanship, their works are inferior to those of the Latins and Sabellians in appositeness and utility no less than in spirit and beauty. This certainly is apparent, in the case of our present epoch, only in architecture. The polygonal wall-masonry, as appropriate to its object as it was beautiful, was frequent in Latium and in the inland country behind it; while in Etruria it was rare, and not even the walls of Cære present layers of polygonal blocks. Even in the religious prominence (remarkable also as respects the history of art) assigned to the arch (P. 173) and to the bridge (P. 178) in Latium, we may be allowed to perceive, as it were, an anticipation of the future aqueducts and consular highways of Rome. On the other hand, the Etruscans repeated, and at the same time corrupted, the ornamental architecture of the Greeks: for while they transferred the laws established for building in stone to architecture in wood, they displayed no thorough skill of adaptation, and by the lowness of their roof, and by the wide intervals between their columns, gave to their temples, to use the language of an ancient architect, a "heavy, mean, straggling, and clumsy appearance." The Latins found in the rich stores of Greek art but very little that was congenial to their thoroughly realistic tastes; but what they did adopt they appropriated truly and heartily as their own, and in the development of the polygonal wall-architecture perhaps excelled their instructors. Etruscan art is a remarkable evidence of dexterity mechanically acquired and mechanically retained, but it is, as little as the Chinese, an evidence even of genial receptivity. As scholars have long since desisted from the attempt to derive Greek art from that of the Etruscans, so they must, with whatever reluctance, make up their minds to transfer the Etruscans from the first to the lowest place in the history of Italian art.

BOOK SECOND.

FROM THE ABOLITION OF THE MONARCHY IN ROME TO THE UNION OF ITALY.

—— δεῖ οὐκ ἐκπλήττειν τὸν συγγραφέα τερατευόμενον διὰ τῆς ἱστορίας τοὺς ἐντυγχάνοντας.

POLYBIUS.

CHAPTER I.

CHANGE OF THE CONSTITUTION. LIMITATION OF THE POWER OF THE MAGISTRATE.

Political and social distinctions in Rome.

THE strict conception of the unity and omnipotence of the state in all matters pertaining to it, which was the central principle of the Italian constitutions, placed in the hands of the single president nominated for life a formidable power, which was felt perhaps by the enemies of the land, but was not less heavily felt by its citizens. Abuse and oppression could not fail to ensue from it, and, as a necessary consequence, efforts were made to accomplish its limitation. It was, however, the grand distinction of the efforts after reform and the revolutions in Rome, that there was no attempt to impose limitations on the community as such or even to deprive it of corresponding organs of expression—that there never was any endeavour to assert the so-called natural rights of the individual in contradistinction to the community—that on the contrary the attack was wholly directed against the form in which the community was represented. From the times of the Tarquins down to those of the Gracchi the cry of the party of progress in Rome was not for limitation of the power of the state, but for limitation of the power of the magistrates; nor amidst that cry was the truth ever forgotten, that the people ought not to govern, but ought, on the contrary, to be governed.

That struggle developed itself within the burgess-body. Side by side with it ran another movement, the cry of the non-burgesses for equality of political privileges. Under this head are included the agitations of the plebeians, the Latins,

the Italians, and the freedmen, all of whom (whether they may have borne the name of burgesses, as did the plebeians and the freedmen, or not, as was the case with the Latins and Italians) were destitute of, and laid claim to, political equality.

A third distinction was one of a still more general nature; the distinction between the wealthy landholders and those who had been dispossessed or had become impoverished. The civil and political relations of Rome led to the rise of a numerous class of farmers—partly small proprietors who were dependent on the mercy of the capitalist partly, small temporary lessees who were dependent on the mercy of the landlord—and in many instances deprived individuals as well as whole communities of the lands which they held, without affecting their personal freedom. By these means the agricultural proletariate became even at an early period so powerful as to have a material influence on the destinies of the community. The urban proletariate acquired political importance only at a much later epoch.

On these distinctions hinged the internal history of Rome, and, as we may conjecture, not less the history, totally lost to us, of the other Italian communities. The political movement within the fully-privileged burgess-body, the war between the excluded and excluding classes, and the social conflicts between the landholders and the non-landholders —variously as they crossed and interlaced, and singular as were the alliances they often produced—were nevertheless essentially and fundamentally distinct.

Abolition of the life-presidency of the community.

As the Servian reform, which placed the *metoikos* on a footing of equality in a military point of view with the burgess, appears to have originated from considerations of an administrative nature rather than from any political party-tendency, we may assume that the first of the movements, which led to internal crises and changes of the constitution, was that which sought to accomplish the limitation of magisterial power. The earliest achievement of this, the most ancient opposition in Rome, consisted in the abolition of the life-tenure of the presidency of the community; in other words, in the abolition of the monarchy. How necessarily such a change was the result of the natural development of things is strikingly demonstrated by the fact, that the same change of constitution took place in an analogous manner through the whole circuit of the Italo-Grecian world. Not only in

Rome, but likewise among the other Latins, as among the Sabellians, Etruscans, and Apulians—in fact, in all the Italian communities, just as in those of Greece—we find the rulers for life of an earlier epoch superseded by annual magistrates. In the case of the Lucanian canton there is evidence that it had a democratic government in time of peace, and it was only in the event of war that the magistrates appointed a king, that is, a magistrate similar to the Roman dictator. The Sabellian civic communities in like manner, *e. g.* those of Capua and Pompeii, in later times were governed by a "community-manager" (*medix tuticus*) changed from year to year, and we may assume that similar institutions existed among the other national and civic communities of Italy. In this light the reasons which led to the substitution of consuls for kings in Rome need no explanation. The organism of the ancient Greek and Italian polity, through its own action and by a sort of natural necessity, produced the limitation of the life-presidency to a shortened, and for the most part, an annual, term. Simple, however, as was the cause of the change, it might be brought about in various ways; a resolution might be adopted on the death of one life-ruler not to elect another—a course which the Roman senate is said to have attempted after the death of Romulus; or the king might voluntarily abdicate, as is affirmed to have been the intention of King Servius Tullius; or the people might rise in rebellion against a tyrannical ruler, and expel him.

Expulsion of the Tarquins from Rome.

It was by this latter method that the monarchy was terminated in Rome. For however much the history of the expulsion of the last Tarquin, "the proud," may have been interwoven with anecdotes and spun out into a romance, it is not in its leading outlines to be called in question. Tradition credibly enough indicates as the causes of the revolt, that the king neglected to consult the senate and to complete its numbers; that he pronounced sentences of capital punishment and confiscation without advising with his counsellors; that he accumulated immense stores of grain in his granaries, and exacted from the burgesses military labours and task-work beyond what was due. The exasperation of the people is attested by the formal vow which they made man by man for themselves and for their posterity that thenceforth they would not tolerate a king; by the blind hatred with which the name of king

ever afterwards was regarded in Rome; and above all by the enactment that the "king for sacrifice" (*rex sacrorum*)—whom they considered it their duty to create that the gods might not miss their accustomed mediator—should be disqualified from holding any further office, so that this official was at once the first in rank and the least in power of all the Roman magistrates. Along with the last king all the members of his *gens* were banished—a proof how close at that time the gentile ties still were. The Tarquinii transferred themselves to Cære, perhaps their ancient home (P. 132), where their family tomb has recently been discovered. In the room of one president holding office for life two annual rulers now were placed at the head of the Roman community.

This is all that can be looked upon as historically certain in reference to this important event.* It may easily be conceived that in a great community with extensive dominions like the Roman, the royal power, particularly when it had been in the same family for several generations, would be more capable of resistance, and the struggle would thus be keener, than in smaller states. There is, however, no certain indication of foreign states mingling in the struggle. The great war with Etruria (which, moreover, has been placed so close upon the expulsion of the Tarquins only perhaps in consequence of chronological confusion in the Roman annals) cannot be regarded as an intervention of Etruria in favour of a countryman who had been injured in Rome, for the very sufficient reason that the Etruscans, notwithstanding their complete victory, neither restored the Roman monarchy, nor even brought back the Tarquinian *gens*.

* The well-known fable for the most part refutes itself. To a considerable extent, it has been concocted for the explanation of surnames (*Brutus, Poplicola, Scævola*). But even its apparently historical ingredients are found, on closer examination, to have been invented. Of this character is the statement that Brutus was a captain of horse (*tribunus celerum*) and in that capacity proposed the decree of the people as to the banishment of the Tarquins; for, according to the earliest constitution of Rome, it is quite impossible that a mere tribune should have had the right to convoke the curies, when that right was not accorded to the *Alter ego* of the king (P. 82). The whole of this statement has evidently been invented with the view of furnishing a basis of legitimacy for the Roman republic; and the invention is a very miserable one, for the *tribunus celerum* is confounded with the entirely different *magister equitum* (P. 79), and then the right of convoking the centuries which pertained to the latter by virtue of his prætorian rank is made to apply to this assembly of the curies.

If we are left in ignorance of the historical connections of this important event, we are fortunately in possession of clearer light as to the nature of the change which was made in the constitution. The royal power was by no means abolished, as is shown by the fact that, when a vacancy occurred, a "temporary king" (*interrex*) was nominated as before. The one life-king was simply replaced by two year-kings, who called themselves generals (*prætores*), or judges (*judices*), or merely colleagues (*consules*).* The collegiate principle, from which this last (and subsequently most current) name of the annual kings was derived, assumed in their case an altogether peculiar form. The supreme power was not intrusted to the two magistrates conjointly, but each consul possessed and exercised it for himself as fully and wholly as it had been possessed and exercised by the king; and, although a partition of their functions probably took place from the first (the one consul for instance undertaking the command of the army, and the other the administration of justice), that partition was by no means binding, and each of the colleagues was legally at liberty to interfere at any time in the province of the other. Thus, where supreme power confronted supreme power and the one colleague forbade what the other enjoined, the consular commands neutralized each other. This peculiarly Roman, or at any rate Latin, institution of co-ordinate supreme authorities (which in the Roman commonwealth on the whole approved itself as practicable, but to which it will be difficult to find a parallel in any other considerable state), manifestly sprang out of the endeavour to retain the regal power in legally undiminished fulness. This motive led them not to break up the royal office into parts, or to transfer it from an individual to a college, but simply to double it, and by that course, if necessary, to neutralize it through its own action. Powers of the consuls.

A similar course was followed in reference to the termination of their tenure of office, for which the earlier *interregnum* of five days furnished a legal precedent. The ordinary presidents of the community were bound not to remain in office longer than a year, reckoned from the day Term of office.

* *Consules* are those who "leap or dance together," as *præsul* is one who "leaps before," *exul*, one who "leaps out" (ὁ ἐκπεσών), *insula*, a "leap into," primarily applied to a mass of rock fallen into the sea.

of their entering on their functions;* but they ceased to be magistrates, not upon the expiry of the set term, but only upon their publicly and solemnly demitting their office: so that in the event of their daring to disregard the term and continuing their magistracy beyond the year their official acts were nevertheless valid, and in the earlier times they scarcely incurred any other than a moral responsibility. The inconsistency between full sovereignty and a set term assigned to that sovereignty by law was so vividly felt, that its tenure for life was only avoided by means of the magistrate declaring his own (in some sense free) will in the matter, and the magistrate was not restricted directly by the law, but only as it were induced by it to restrict himself. Nevertheless this tenure of the highest magistracy for a set term, which its holders but once or twice ventured to overstep, was of the deepest importance. As an immediate consequence of it, the practical irresponsibility of the king was lost in the case of the consul. The position of the king indeed in the Roman commonwealth was under and not above the law; but, as according to the Roman view the supreme judge could not be prosecuted at his own bar, while the king might perpetrate a crime, there was for him no tribunal and no punishment. The consul, again, if he had committed murder or treason, was protected by his office only so long as it lasted. On his retirement he was liable to the ordinary penal jurisdiction like any other burgess.

To these changes of a prominent nature, affecting the principles of the constitution, other restrictions were added of a subordinate and administrative character, some of which nevertheless produced a deep effect. The privilege of the king to have his fields tilled by taskwork of the burgesses, and the special relation of clientship in which the *metœci* as a body must have stood to the king, ceased of themselves with the life-tenure of the office.

Right of appeal.

Hitherto, in criminal processes as well as in fines and

* The day of entering on office did not coincide with the beginning of the year (1st March), and was not at all fixed. The day of retiring was regulated by it, except when a consul was elected expressly in room of one who had died or abdicated (*consul suffectus*); in which case the substitute succeeded to the rights and consequently to the term of him whom he replaced. But these supplementary consuls in the earlier period only occur when one of the consuls had died or abdicated: pairs of supplementary consuls are not found until the later ages of the republic. Ordinarily, therefore, the official year of a consul consisted of unequal portions of two civil years.

corporal punishments, it had been the province of the king not only to investigate and decide the cause, but also to decide whether the person found guilty should or should not be allowed to appeal for pardon. The Valerian law now (in 245) enacted that the consul must allow the appeal of the condemned, where sentence of capital or corporal punishment had been pronounced otherwise than by martial law—a regulation which by a later law (of uncertain date, but passed before 303) was extended to heavy fines. In token of this right of appeal, when the consul appeared in the capacity of judge and not of general, the consular lictors laid aside the axes, which they had hitherto carried by virtue of the penal jurisdiction belonging to their master. The law however threatened the magistrate, who did not allow due course to the *provocatio*, with no other penalty than infamy—which, as matters then stood, was essentially nothing but a moral stain, and at the utmost only had the effect of disqualifying the infamous person from giving testimony. Here too the course followed was based on the same view, that it was in law impossible to diminish the old regal powers, and that the checks imposed upon the holder of the supreme authority in consequence of the revolution had, strictly viewed, only a practical and moral value. If therefore the consul acted within the old regal jurisdiction, he might in his actings perpetrate an injustice, but he committed no crime, and so was not amenable for what he did to the penal judge.

509. 451.

A limitation similar in its tendency took place in the civil jurisdiction; for to this epoch probably belongs the change, by which the right of the magistrates, after adjustment of a cause, to commit to a private person the investigation of its merits was converted into an obligation to do so. It is probable that this was accomplished by a general arrangement respecting the transference of magisterial power to deputies or successors. While the king had been absolutely at liberty to nominate deputies but had never been compelled to do so, in the case of the consul the right of delegating his powers seems to have been limited and legally restricted in a twofold manner. In the first place such comprehensive delegations of power—themselves partaking of the splendour that environed the king—as were conferred on the warden of the city in relation to the administration of justice, and on the master of the horse in regard to the

Restrictions on the delegation of powers.

command of the army, virtually ceased upon the introduction of annual kings; for the appointment of a warden of the city, which still was made for the few hours during which the consuls had to absent themselves from the city in order to take part in the Latin festival, was a mere form, and was treated in that light. It was in fact one of the objects attained by putting the supreme magistracy into the collegiate form, that a magistrate-depute for the administration of justice was only required in rare exceptional cases; and although in war the commander-in-chief could not be prohibited from intrusting the command even of the whole army to another, such a deputy now took his place as simply the adjutant (*legatus*) of the general. The new republic tolerated neither king, nor lieutenant giving himself forth as the king's *alter ego;* but the consul was at liberty, if the circumstances appeared to require such a step, temporarily to restore the regal office under the title of a dictatorship, and to nominate a person invested with plenary authority, who suspended at once the powers of the nominating consul and those of his colleague, and, as an extraordinary measure, once more wielded for the time being the old royal powers in all their compass.

The second restriction imposed on the consuls as to the delegation of their powers was perhaps still more important in its effects. While in his sphere as commander-in-chief the consul retained undiminished the right of freely delegating all or any of his functions, in the province of his civic functions delegation was prescribed in certain cases and was prohibited with reference to all others. The former class of cases, in which the president of the community had in theory competent jurisdiction, but in which he was at the same time obliged to act only through the medium of deputies appointed by him, included not only civil processes, but those criminal causes which the king had been accustomed to dispose of through the two "trackers of murder" (*quæstores*, P. 68, 159), and also the important charge of the state-chest and of the state-archives, which these two quæstors undertook in addition to their previous functions. Thus the quæstors now became in law, what they had for long perhaps been practically, standing magistrates; and as they were now nominated by the consul just as formerly by the king, it followed that they abdicated office along with him after the expiry of a year.

In other cases again, where his course was not expressly prescribed, the chief magistrate in the capital had either to act personally or not at all; for instance no delegation was admissible at the introductory steps of a process. This diversity in the treatment of civil and military delegation explains why, in the government of the Roman community proper, no delegated magisterial authority (*pro magistratu*) was possible nor were purely urban magistrates ever represented by non-magistrates, and why, on the other hand, military deputies (*pro consule, pro prætore, pro quæstore*) were excluded from all action within the community proper.

Nomination of successor.

Again the right of nominating his successor, which the king had exercised absolutely, was by no means withdrawn from the new head of the community; but he was bound to nominate the person whom the community should designate to him. Through this binding right of proposal the nomination of the ordinary supreme magistrates passed in a certain sense substantially into the hands of the community; practically however there still existed a very considerable distinction between that right of proposal and the right of formal nomination. The consul in conducting the election was by no means a mere returning officer. By virtue of his prerogative essentially similar to the king's, he might reject particular candidates, and disregard votes tendered for them; at first, moreover, he might even limit the choice to a list of candidates proposed by himself; and (what was of still more consequence) the community by no means obtained through its right of proposal the right of deposing a magistrate again, which it must necessarily have obtained had it really appointed him. On the contrary, as the successor was still nominated solely by his predecessor, and thus no actual magistrate ever derived his right from a magistrate still holding office, the old and important principle of Roman state-law, that the supreme magistrate could never be deposed, remained inviolably in force in the consular period also.

Change in the nomination of priests.

Lastly the nomination of the priests, which had been a prerogative of the kings (P. 67), was not transferred to the consuls; but the colleges of priests filled up the vacancies in their own ranks, while the Vestals and single priests were nominated by the college of *pontifices*, on which devolved also the exercise of the paternal jurisdiction, so to speak, of the community over the priestesses of Vesta. With a view

to the performance of these acts, which could only be properly performed by a single individual, the college probably about this period first nominated a president, the *Pontifex maximus*. This separation of the supreme authority in things sacred from the civil power (while the already-mentioned *rex sacrorum* had neither the civil nor the sacred powers of the king, but simply the title, conferred upon him), and the semi-magisterial position of the new high priest prominently contrasting with the character which otherwise marked the priesthood in Rome, form one of the most significant and important peculiarities of a state revolution, the aim of which was to impose limits on the powers of the magistrates mainly in the interest of the aristocracy. With this circumstance was probably connected the fact that the opinions of the men of sacred lore as to auspices, prodigies, and the like occurrences, assumed more and more a character legally binding, so that, if the consul held an assembly of the people against the opinion of the augurs or consecrated a temple in opposition to that of the pontifices, such an act on his part was now regarded as not merely impious, but null and void.

We have already mentioned that the outward state of the consul was far inferior to that of the regal office hedged round with so much reverence and terror, that the regal name and the priestly consecration were withheld from him, and that the axe was taken away from his attendants. We have to add that, instead of the purple robe which the king had worn, the consul was distinguished from the ordinary burgess simply by the purple border of his *toga*, and that, while the king in all probability regularly appeared in public in his chariot, the consul was bound to accommodate himself to the general rule, and like every other burgess to go within the city on foot.

The dictator.

These limitations, however, of the plenary power and of the insignia of the magistrate in reality applied only to the ordinary presidency of the community. In extraordinary cases, as we have already said, the two presidents chosen by the community were superseded by a single one, the master of the people (*magister populi*) or commander (*dictator*). In the election of dictator the community bore no part at all; his nomination proceeded solely from one of the consuls for the time being. There lay no appeal from his sentences any more than from those of the king, unless he chose to allow

it. As soon as he was nominated, all the other magistrates became legally powerless and entirely subject to his authority. To him as to the king was assigned a "master of the horse;" and as the nomination of a dictator took place primarily and mainly on occasions when internal troubles or danger from war necessitated the calling out of the burgess-force, the nomination of a master of the horse formed as it were a constitutional accompaniment to that of dictator. The intention in all probability was that the dictator's authority should be distinguished from that of the king only by its limitation in point of time (the maximum duration of his office being six months), and by the circumstance that as an extraordinary magistrate he nominated no successor.

On the whole, therefore, the consuls continued to be, as the kings had been, the supreme administrators, judges, and generals; and even in a religious point of view it was not the *rex sacrorum* (who was only nominated that the name might be preserved), but the consul, who offered prayers and sacrifices for the community, and in its name ascertained the will of the gods with the aid of those skilled in sacred lore. Against cases of emergency a power was retained of reviving at any moment, without previous consultation of the community, the full and unlimited regal authority, so as to set aside the limitations imposed by the collegiate arrangement and by the special curtailments of jurisdiction. In this way the problem of legally retaining and practically restricting the regal authority was solved in genuine Roman fashion with equal acuteness and simplicity, by the nameless statesmen who worked out this revolution.

The community thus acquired by the change of constitution rights of the greatest importance: the right of annually designating its presidents, and that of deciding in the last instance regarding the life or death of the burgess. But the body which acquired these rights could not possibly be the community as it had been hitherto constituted—the patriciate which had practically become an order of nobility. The strength of the nation lay in the "multitude" (*plebs*), which already comprehended in large numbers people of note and of wealth. The exclusion of this multitude from the public assembly, although it bore part of the public burdens, might be tolerated as long as that public assembly itself did not materially interfere in the working of the state machine, and as long as the royal power by the very fact of

Centuries and curies.

its high and free position remained almost equally formidable to the burgesses and to the *metœci*, and secured equality of legal redress in the nation. But when the community itself was called regularly to elect and to decide, and the president was practically reduced from its master to its commissioner for a set term, this relation could no longer be maintained as it stood; least of all when the state had to be re-modelled on the morrow of a revolution, which could only have been carried out by the co-operation of the patricians and the *metœci*. An extension of that community was inevitable; and it was accomplished in the most comprehensive manner by admitting into the curies (and to that extent placing on an equal footing with the old burgesses) the collective plebeiate, that is, all the non-burgesses who were not slaves or citizens of extraneous communities living at Rome under the *jus hospitii*. But at the same time the *comitia curiata*, which hitherto had been legally and practically the first authority in the state, were almost totally deprived of their constitutional prerogatives. They were still allowed to give their sanction to acts purely formal, or transactions of a private character relating merely to individuals (such as the vow of allegiance to be made to the consul or the dictator when they entered on office just as previously to the king—P. 67—and the legal dispensations requisite for an *arrogatio* or a testament); but they were not to be allowed henceforward to perform any act of a properly political character. All the political prerogatives of the public assembly—as well the decision on appeals in criminal causes (which indeed were essentially political processes), as the nomination of magistrates and the adoption or rejection of laws—were transferred to, or were first acquired by, the assembled levy of those bound to military service; so that the centuries now received the rights, as they had previously borne the burdens, of citizens. By this step the small beginnings of the Servian constitution (as, in particular, the handing over to the army the right of assenting to the declaration of an aggressive war, P. 101) attained such a development that the curies were completely and for ever cast into the shade by the assembly of the centuries, and people became accustomed to regard the latter as the sovereign people. There was no debate in that assembly any more than in that of the curies, except when the presiding magistrate chose himself to speak or bade others do so; of

course in cases of appeal both parties had to be heard. A simple majority of the centuries was decisive.

This plan was evidently chosen, because in the *comitia curiata* those who were entitled to vote at all were on a footing of entire equality, and therefore after the admission of all the plebeians into the curies the result would have been a complete democracy, if the decision of political questions had remained with that assembly; whereas the *comitia centuriata* placed the preponderating influence, not in the hands of the nobles, but in those of the propertied classes, and, besides, the *gentes* retained there the important privilege, that their six equestrian centuries voted always first and by that means often practically decided the election.

Still more important was a second right conceded to the old burgesses. Every decree adopted by the centuries, whether it contained a proposal of election or concerned any other matter, was submitted for confirmation or rejection to the convention of the patricians—now no longer legally identical with the burgesses.* It was only in cases of appeal and perhaps of declaration of war that the centuries gave a final decision. According to the earlier law the curies had only co-operated in the exercise of penal jurisdiction when it was the king's pleasure to permit the privilege of appeal (P. 83), and it is probable that they were never consulted regarding the declaring of war (P. 83); both privileges might therefore be devolved upon the centuries, without legally abridging the prerogatives of the old burgesses. The same argument might certainly have been applied in reference to proposals of nomination to the consulship, but the nobility was powerful enough to secure for itself the right of rejecting these.

Convention of the patricians.

The direct reform of the constitution proceeded apparently no further. The position of the senate, in particular, underwent legally no change; it continued to be an assembly of men of note uniformly remaining in it for life, without any proper official jurisdiction, who were advisers to the annual

The senate.

* *Patres auctores fiunt.* That this confirmation did not proceed from the curies, nor from any *comitia* strictly so called at all, but from a convention of the patricians—such as appointed the first *interrex*—is apparent on a careful comparison of all the extant accounts of the matter. This convention probably could not issue any decrees of its own on other matters; at least there seems no longer to have existed any legal form of conferring the patriciate, after the introduction of the republic—a circumstance which admits of explanation only on that hypothesis.

king now as formerly they had been to the king for life. The right of electing to the senate was exercised by the consuls just as formerly by the kings; even the custom of revising and filling up the lists of senators at every census, and as a rule therefore every fourth year, perhaps reached back to the regal period. The consul was not considered as a member of the senate any more than the king, and therefore in taking the votes did not include his own. No qualification for admission to the senate had ever existed, and therefore no legal innovation was involved in the admission of *metœci* (P. 71, 100); nevertheless it was an important practical change when, instead of non-patricians being received into the senate only singly perhaps and exceptionally (as was the case in the regal period), the blanks in the senate were now filled up so extensively from the ranks of the plebeians, that—if tradition does not misinform us—of the 300 senators less than the half were full-burgesses (*patres*), while 164 were "added to the roll" (*conscripti*), and thus even in official style the senators were henceforth addressed as "full-burgesses and enrolled" (*patres et conscripti*).

Conservative character of the revolution.

Generally in the Roman commonwealth, even after the conversion of the monarchy into a republic, the old was as far as possible retained. So far as a revolution in a state can be conservative at all, this one was so; not one of the constituent elements of the commonwealth was really overthrown by it. This circumstance indicates the character of the whole movement. The expulsion of the Tarquins was not, as the sorry and deeply falsified accounts of it represent, the work of a people carried away by sympathy and enthusiasm for liberty, but the work of two great political parties already engaged in conflict and clearly aware that that conflict would steadily continue—the old burgesses and the *metœci*—who, like the English Whigs and Tories in 1688, were for a moment united by the common danger, which threatened to convert the commonwealth into the arbitrary government of a despot, and differed again as soon as the danger was over. The old burgesses could not get rid of the monarchy without the co-operation of the new burgesses; but the new burgesses were far from being sufficiently strong to wrest the power out of the hands of the former at one blow. Compromises of this sort are necessarily limited to the smallest measure of mutual concessions obtained by tedious haggling, and they leave the future to decide which of the constituent

elements shall eventually preponderate, and whether they will work harmoniously together or maintain their antagonism. To look therefore simply to the direct innovations introduced, such as the mere change in the duration of the supreme magistracy, is altogether to mistake the broad import of the first Roman revolution: its indirect effects were by far the most important, and of greater potency perhaps than even its authors anticipated.

The new community.

It was at this period, in short, that the Roman burgess-body in the later sense of the term originated. The plebeians had hitherto been *metœci*, who were subjected to their share of taxes and burdens, but who were nevertheless in the eye of the law really nothing but tolerated aliens, between whose position and that of foreigners proper it may have seemed hardly necessary to draw a definite line of distinction. They were now enrolled as burgesses in the register of the curies, and, although they were still far from being on a footing of legal equality—although the old burgesses still remained solely eligible to the burgess magistracies and priesthoods, and exclusively entitled to participate in the burgess usufructs, such as the joint use of the public pastures—yet the first and most difficult step towards complete equalization was gained from the time when the plebeians no longer served merely in the common levy, but also voted in the common assembly and in the common council, and the head and back of the poorest *metoikos* were as well protected by the right of appeal as those of the noblest of the old burgesses.

One consequence of this amalgamation of the patricians and plebeians in a new corporation of Roman burgesses was the conversion of the old burgesses into a *gentile* nobility, which bore from the first the stamp of an exclusive and wrongly privileged aristocracy impressed upon it by its exclusion of the plebeians from all public magistracies and public priesthoods (while yet they were admissible to the position of officers and senators), and by its maintenance, with perverse obstinacy, of the legal impossibility of marriage between old burgesses and plebeians.

A second consequence of the new union of the burgesses must have been a more definite regulation of the right of settlement, with reference both to the Latin confederates and to other states. It became necessary—not so much on account of the right of suffrage in the centuries (which indeed be-

longed only to the freeholder) as on account of the right of appeal, which was intended to be conceded to the plebeian, but not to the sojourner or the foreigner—to express more precisely the conditions of the acquisition of plebeian rights, and on the other hand to discriminate the now enlarged burgess-body from those who were non-burgesses. To this epoch therefore we may trace back, in the views and feelings of the people, both the invidiousness of the distinction between patricians and plebeians, and the strict and haughty line of demarcation between *cives Romani* and aliens; but the former civic demarcation was in its nature transient, while the latter political one was permanent, and the sense of political unity and rising greatness, which was thus implanted in the heart of the nation, was expansive enough first to undermine and then to carry away with its mighty current those paltry distinctions.

Law and edict.

It was at this period moreover that law and edict were separated. The distinction indeed had its foundation in the essential character of the Roman state; for even the regal power in Rome was subordinate, not superior, to the law of the land. But the profound and practical veneration, which the Romans like every other people of political capacity cherished for the principle of authority, gave birth to the remarkable rule of Roman constitutional and private law, that every command of the magistrate not based upon a law was at least valid during his tenure of office, although it expired with that tenure. It is evident that in this view, so long as the presidents were nominated for life, the distinction between law and edict must have practically been almost lost sight of, and the legislative action of the public assembly could acquire no development. On the other hand it obtained a wide field of action after the presidents were changed annually; and the fact was now by no means void of practical importance, that, if the consul in deciding a process committed a legal informality, his successor could institute a fresh trial of the cause.

Civil and military authority.

It was at this period, finally, that the provinces of civil and military authority were separated. In the former the law ruled, in the latter the axe: the former was governed by the constitutional checks of the right of appeal and of prescribed delegation; in the latter the general held an absolute sway like the king.* It was an established principle,

* It may not be superfluous to remark, that the *judicium legitimum*, as well as that *quod imperio continetur*, rested on the *imperium* of the directing ma-

that the general and the army as such should not under ordinary circumstances enter the city proper. That organic and permanently operative enactments could only be made under the superintendence of the civil power, was implied in the spirit if not in the letter of the constitution. Instances indeed occasionally occurred where a magistrate, disregarding this principle, convoked his force in the camp as a burgess-assembly, nor was a decree passed under such circumstances legally void; but custom disapproved of such a proceeding, and it soon fell into disuse as though it had been forbidden. The distinction between Quirites and soldiers became gradually formed and was ever gaining strength in the minds of the burgesses.

Government of the patriciate.

Time however was required for the development of these consequences of the new republicanism; vividly as posterity felt its effects, the revolution probably appeared to the contemporary world in a different light. The non-burgess indeed gained by it burgess-rights, and the new burgess-body acquired in the *comitia centuriata* comprehensive prerogatives; but the right of rejection on the part of the patrician convention, which in firm and serried ranks stood confronting the *comitia* like an Upper House, legally neutralized their free action, and although not in a position to thwart the serious will of the collective body, could yet practically interpose annoyance and delay. The nobles probably expected by means of their convention to rule in the new organization of the state, based on two assemblies, quite as securely as they had ruled before when they were the sole representatives of the community: and while in this way they did not seem to have lost much, they had in other respects decidedly gained. The king, it is true, was a patrician as well as the consul; but while his exceptional position raised the former no less above the patricians than above the plebeians, and while cases might easily occur in which he would be obliged to lean upon the support of the multitude even against the nobility, the consul on the other hand—ruling for a brief term, but before and after that term simply one of the nobility, and obeying to-morrow the noble fellow-burgess whom he had commanded to-day—by no means occupied a

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gistrate, and the distinction only consisted in the circumstance that the *imperium* was in the former case limited by the *lex*, while in the latter it was free.

position aloof from his order, and the spirit of the noble in him must have been far more powerful than that of the magistrate. Indeed, if at any time by way of exception a patrician disinclined to the rule of the nobility was called to the government, his official authority was paralyzed, partly by the priestly colleges which were pervaded by an intense aristocratic spirit, partly by his colleagues, and was easily suspended by means of a dictatorship; and, what was of still more moment, he wanted the first element of political power, time. The president of a commonwealth, whatever plenary authority may be conceded to him, will never gain possession of political power if he does not continue for some considerable time at the head of affairs; for a necessary condition of every dominion is duration. Consequently the influence of the senate appointed for life, which even during the regal period must not be estimated as insignificant, inevitably under mere annual rulers acquired such an importance that their constitutional relations became precisely inverted; the senate substantially assumed to itself the powers of government, and the former ruler sank into a president acting as its chairman and executing its decrees. In the case of every proposal to be submitted to the community for acceptance or rejection, the practice of previously consulting the senate and obtaining its approval, while not constitutionally necessary, was consecrated by use and wont; and it was not lightly deviated from. The same course was followed in the case of important state-treaties, of the management and distribution of the public lands, and generally of every act, the effects of which extended beyond the official year; and nothing was left to the consul but the transaction of current business, the initial steps in civil processes, and the command in war. Especially important in its consequences was the innovation, by which neither the consul, nor even the otherwise absolute dictator, was permitted to touch the public treasure except with the consent and by the will of the senate. The senate made it obligatory on the consuls to commit the administration of the public chest, which the king had managed or had it at any rate in his power to manage himself, to two standing subordinate magistrates, who were nominated by the consuls and had to obey them, but were, as may easily be conceived, much more dependent than the consuls themselves on the senate (P. 260). It thus drew into its own hands the management of finance;

and this right of sanctioning the expenditure of the finances on the part of the Roman senate may be placed on a parallel in its effects with the right of sanctioning taxation in the constitutional monarchies of the present day. From the change in the relative positions of the magistrate and his council, the free admission and expulsion of senators must have also become practically restricted. The practice of holding the senatorial stalls for life, and perhaps even a sort of title to them in virtue of birth and of the occupation of certain offices, had already long possessed the sanction of custom; now such claims were necessarily put in a more definite shape, and custom acquired more and more the force of law.

The consequences followed as a matter of course. The first and most essential condition of all aristocratic government is, that the plenary power of the state be vested not in an individual but in a corporation. Now an essentially aristocratic corporation, the senate, had appropriated to itself the government, and at the same time the executive power not only remained in the hands of the nobility, but was also entirely subject to the governing corporation. It is true that a considerable number of men not belonging to the nobility sat in the senate; but as they were incapable of holding magistracies, and thus were excluded from all practical share in the government, they necessarily played a subordinate part in the senate also, and were moreover kept in pecuniary dependence on the corporation through the economically important privilege of using the public pasture. The formally absolute right of the patrician consuls to revise and modify the senatorial list at least every fourth year, however little may have been its effect in reference to the nobility, might very well be employed in their interest, and an obnoxious plebeian might by means of it be kept out of the senate or even be removed from its ranks. It is therefore quite true that the immediate effect of the revolution was to establish the aristocratic government.

The plebeian opposition.

It is not however the whole truth. While the majority of contemporaries probably thought that the revolution had brought upon the plebeians only a more inflexible despotism, we who come afterwards discern in that very revolution the germs of young liberty. What the patricians gained was gained at the expense not of the community, but of the magistrates' power. It is true the community gained only

a few narrowly restricted rights, which were far less practical and palpable than the acquisitions of the nobility, and which not one in a thousand probably had the wisdom to value; but they formed a pledge and earnest of the future. Hitherto the *metœci* had been politically nothing, the old burgesses had been everything; now that the former were embraced in the community, the old burgesses were overcome; for much as might be waiting to full civil equality, it is the first breach, not the occupation of the last post, that decides the fall of the fortress. With justice therefore the Roman community dated its political existence from the beginning of the consulship.

While however the republican revolution may, notwithstanding the aristocratic rule which in the first instance it established, be justly called a victory of the former *metœci* or the *plebs*, the revolution even in this respect bore by no means the character which we are accustomed in the present day to designate as democratic. In the senate indeed there now sat more plebeians than before; yet pure personal merit without the support of birth and wealth could perhaps gain admittance to the senate more easily under the regal government than under that of the patriciate. The nature of the case implied that the governing aristocratic order, so far as it admitted plebeians at all, would grant the right of occupying seats in the senate not absolutely to the ablest men, but chiefly on the contrary to the heads of the wealthy and notable plebeian families; and the families thus admitted jealously guarded the possession of their senatorial stalls. While a complete legal equality therefore had subsisted within the old burgess-body, the new burgess-body or former *metœci* came to be in this way divided from the first into a number of privileged families and a multitude kept in a position of inferiority. But the power of the community now according to the centurial organization came into the hand of that class, which since the Servian reform of the army and of taxation had borne mainly the burdens of the state, namely the freeholders, and therefore in the main neither into the hands of the great proprietors nor into those of the small cottagers, but into those of the intermediate class of farmers—an arrangement in which the seniors were still so far privileged that, although less numerous, they had as many voting-divisions as the juniors. While in this way the axe was laid to the root of the old burgess-body and their

clan-nobility, and the basis of a new burgess-body was laid, the preponderance in the latter rested on the possession of land and on age, and the first beginnings were already visible of a new aristocracy based primarily on the actual consideration in which the families were held—the future nobility. There could be no clearer indication of the fundamentally conservative character of the Roman commonwealth than the fact, that the revolution which gave birth to the republic laid down at the same time the primary outlines of a new organization of the state, which was in like manner conservative and in like manner aristocratic.

CHAPTER II.

THE TRIBUNATE OF THE PLEBS AND THE DECEMVIRATE.

Material interests.

UNDER the new organization of the commonwealth the old burgesses had attained by legal means full possession of political power. Governing through the magistracy which had now been reduced to subserve their ends, preponderating in the senate, in sole possession of all high offices and priesthoods, armed with exclusive cognizance of things human and divine and familiar with the whole routine of political procedure, taking the lead in the voting of the great electoral assembly and influential in the commons through the number of devoted adherents attached to the various families, and, lastly, entitled to examine and to reject every decree of the community,—the patricians might long have preserved their practical power, for the very reason that they had at the right time abandoned their claim to be the sole holders of legal authority. It is true that the plebeians could not but be painfully sensible of their political disabilities; but undoubtedly in the first instance the nobility had not much to fear from a purely political opposition, if it understood the art of keeping the multitude, which desired nothing but equitable administration and protection of its material interests, aloof from political strife. In fact, during the first period after the expulsion of the kings, we meet with various measures which were intended, or at any rate seem to have been intended, to gain the favour of the commons for the government of the nobility, especially on economic grounds. The port-dues were reduced; when the price of grain was high large quantities of corn were purchased on account of the state, and the trade in salt was made a state-monopoly, in order to supply the citizens with corn and salt at reasonable

prices; lastly, the national festival was prolonged for an additional day. Of the same character was the ordinance which we have already mentioned respecting property-fines (P. 259), which was not merely intended in general to set limits to the dangerous fining-prerogative of the magistrates, but was also especially calculated for the protection of the man of small means, and that in a significant manner. The magistrate was prohibited from fining the same man on the same day to an extent beyond two sheep and thirty oxen without granting leave to appeal; and the reason of these singular rates can only perhaps be found in the fact, that in the case of the man of small means possessing only some sheep a different maximum appeared necessary from that fixed for the wealthy proprietor of herds of oxen—a considerate regard to the wealth or poverty of the person fined, from which modern legislators might take a lesson.

But these regulations were merely superficial; the main current flowed in the opposite direction. With the change in the constitution there was introduced a comprehensive revolution in the financial and economic relations of Rome. The government of the kings had probably abstained on principle from countenancing the power of capital, and had promoted as far as it could an increase in the number of farms. The new aristocratic government, again, appears to have aimed from the first at the destruction of the middle classes, particularly of the intermediate and smaller holdings of land, and at the development on the one hand of a government of landed and moneyed lords and on the other hand of an agricultural proletariate.

Rising power of the capitalists.

The reduction of the port-dues, although upon the whole a popular measure, chiefly benefited the great merchant. But a much greater accession to the power of capital was occasioned by the indirect system of finance-administration. It is difficult to say what were the remote causes that gave rise to it; but, while its origin may probably be referred to the regal period, after the introduction of the consulate the importance of an intervention of private agency must have been greatly increased, partly by the rapid succession of magistrates in Rome, partly by the extension of the financial action of the treasury to such business as the purchase and sale of grain and salt; and thus the foundation must have been laid for that system of farming the finances, the development of which became so momentous

and so pernicious for the Roman commonwealth. The state gradually put all its indirect revenues and all its more complicated payments and transactions into the hands of middlemen, who gave or received a stipulated sum, and then farmed the revenue for their own benefit. Of course only considerable capitalists, and, as the state looked strictly to tangible security, in the main only large landholders, could enter into such arrangements: and thus there grew up a class of publicans and contractors, who, in the rapid growth of their opulence, in their power over the state to which they appeared to be servants, and in the preposterous and sterile foundation of their moneyed empire, are completely on a parallel with the speculators on the stock-exchange of the present day.

Public land. The new aspect assumed by the financial administration showed itself first and most palpably in the treatment of the public lands, which almost directly sought to accomplish the material and moral annihilation of the middle classes. The use of the public pasture and of the state-domains generally was from its very nature a privilege of burgesses; beyond doubt it was a contravention of formal law, if the joint-use of the common pasturage was granted to a plebeian. As however, apart from the conversion of the public land into private property by its assignation, the Roman law knew no fixed right on the part of individual burgesses to its use—no right claiming to be equally respected with that of property—it solely depended on the pleasure of the king, so long as the public land remained such, to grant and to define its joint enjoyment; and it is not to be doubted that he frequently made use of this his right, or at least his power, in favour of plebeians. But on the introduction of the republic the principle was again strictly insisted on, that the use of the common pasture belonged in law merely to the burgess *optimi juris*, or in other words to the patrician; and though the senate still as before allowed exceptions in favour of the wealthy plebeian houses represented in it, the small plebeian landholders and the day-labourers, who were the most in need of the common pasture, had their privilege of joint enjoyment injuriously curtailed. Moreover there had hitherto been paid, in respect of the cattle driven out to graze upon the common pasture, a tax under the name of *scriptura*, which was moderate enough to make the right of driving out upon that pasture still be regarded as a privi-

lege, and yet yielded no inconsiderable revenue to the public purse. The patrician quæstors were now remiss and indulgent in levying it, and gradually allowed it to fall into desuetude. Hitherto, particularly when new domains were acquired by conquest, distributions of land were regularly arranged, in which all the poorer burgesses and *metœci* were provided for; it was only the land which was not suitable for agriculture that was annexed to the common pasture. Such assignations were not wholly given up, and still less were they proposed in favour of the rich; but they became fewer and scantier, and were replaced by the pernicious system of occupation, that is, the cession of domain-lands not in property or under formal lease for a definite term, but in special usufruct, to the first occupant and his heirs-at-law, on such a footing that the state was at any time entitled to resume them, and the occupier had to pay the tenth sheaf or the fifth part of the produce in oil and wine to the exchequer. This was simply the *precarium* already described (P. 199) applied to the state-domains, and it may have been in use, even in the case of the public land at an earlier period, as a temporary arrangement until its assignation should be carried out. Now, however, not only did this occupation-tenure become permanent, but, as was natural, it was only privileged persons or their favourites who grasped at it, and the tenth and fifth were collected with the same negligence as the grazing-money. A threefold blow was thus struck at the intermediate and smaller landholders: they were deprived of the common usufructs of burgesses; the burden of taxation was increased in consequence of the domain-revenues no longer flowing regularly into the public chest; and those land-distributions were stopped, which had provided a constant outlet for the agricultural proletariate somewhat as a great and well-regulated system of emigration would do at the present day. To these evils was added the farming on a great scale which was probably already beginning to come into vogue, dispossessing the small agrarian clients, and in their stead cultivating the land by rural slaves; a blow which was more difficult to avert and more pernicious than all those political usurpations put together. The burdensome and partly unfortunate wars, and the exorbitant taxes and taskworks to which these gave rise, filled up the measure of their calamities, and generally sufficed either to deprive the possessor directly of his

farm and to make him the bondsman, though not the slave, of his creditor-lord, or to reduce him through his encumbrances to the condition of a temporary lessee of his creditor. The capitalists, to whom a new field was here opened of lucrative speculation unattended by trouble or risk, sometimes augmented in this way their landed property; sometimes they left to the farmer, whose person and estate the law of debt placed in their hands, nominal proprietorship and actual possession. The latter course was probably the most common as well as the most pernicious; for while utter ruin might thereby be averted from the individual, this precarious position of the landholder, dependent at all times on the mercy of his creditor—a position in which he knew nothing of property but its burdens—threatened to demoralize and politically to annihilate the whole farmer-class. The intention of the legislator, when instead of mortgaging he prescribed the immediate transfer of the property to the creditor with a view to prevent insolvency and to devolve the burdens of the state on the real holders of the soil (P. 169), was evaded by a rigorous system of personal credit, which might be very suitable for merchants, but ruined the farmers. The free divisibility of the soil had already involved the risk of causing an insolvent agricultural proletariate, and under such circumstances, when all burdens were increasing, and all means of deliverance were foreclosed, distress and despair could not but spread with fearful rapidity among the agricultural middle class.

Relations of the social question to the question between the orders.

The distinction between rich and poor, which arose out of these relations, by no means coincided with that between the *gentes* and the plebeians. If far the greater part of the patricians were wealthy landholders, opulent and considerable families were, of course, not wanting among the plebeians; and as the senate, which even then perhaps consisted in greater part of plebeians, had assumed the superintendence of the finances to the exclusion even of the patrician magistrates, it is easy to see that all those economic advantages, to obtain which the political privileges of the nobility were abused, would go to benefit the wealthy collectively; and the pressure fell the more heavily upon the commons, since those who were the ablest and the most capable of resistance were by their admission to the senate transferred from the class of the oppressed to the ranks of the oppressors.

But this state of things prevented the political position of

the aristocracy from being permanently tenable. Had it possessed the self-control to govern justly and to protect the middle class (as individual consuls from its ranks endeavoured, but from the reduced position of the magistracy were unable effectually, to do), it might have long maintained itself in the sole possession of the offices of state. Had it been willing to admit the wealthy and respectable plebeians to full equality of rights, by connecting, perhaps, the acquisition of the patriciate with admission into the senate, both might long have governed and speculated with impunity. But neither of these courses was adopted; the narrowness of mind and short-sightedness of policy, which are the proper and inalienable privileges of all genuine patricianism, were true to their character also in Rome, and tore the powerful commonwealth asunder in useless, aimless, and inglorious strife.

Secession to the Sacred Mount. 510. 495. 494.

The immediate crisis however proceeded not from those who resented their disabilities as an order, but from the distress of the farmers. The annals as now arranged, place the political revolution in the year 244, the social in the years 259 and 260; they certainly appear to have been close upon each other, but the interval was probably longer. The strict enforcement of the law of debt—so runs the story—excited the indignation of the farmers at large. When in the year 259 the levy was called forth for a dangerous war, the men bound to serve refused to obey the command; so that the consul Publius Servilius suspended for a time the application of the debtor-laws, and gave orders to liberate the persons already imprisoned for debt, as well as prohibited further incarcerations. The farmers took their places in the ranks and helped to secure the victory. On their return from the field of battle, the peace, which had been achieved by their exertions, brought back their prison and their chains: with merciless rigour the second consul, Appius Claudius, enforced the debtor-laws, and his colleague, to whom his former soldiers appealed for aid, dared not offer opposition. It seemed as if collegiate rule had been introduced not for the protection of the people, but to facilitate breach of faith and despotism; they endured, however, what could not be changed. But when in the following year the war was renewed, the consul's word availed no longer. It was not till Manius Valerius was nominated dictator that the farmers gave way, partly from their awe of the higher magisterial authority, partly from their confidence in his friendly feeling

495.

to the popular cause—for the Valerii belonged to one of those ancient and noble *gentes* by whom government was esteemed a privilege and an honour, not a source of gain. The victory was again with the Roman standards; but when the victors came home and the dictator submitted his proposals of reform to the senate, they were thwarted by its obstinate opposition. The army still stood in its array, as usual, before the gates of the city. When the news arrived, the long impending storm burst forth; the *esprit de corps* and the compactness of military organization carried even the timid and the indifferent along with the movement. The army abandoned its general and its encampment, and led by the commanders of the legions—the military tribunes who were, at least chiefly, plebeians—marched in martial order into the district of Crustumeria between the Tiber and the Anio, where it occupied a hill and threatened to establish in this, the most fertile part of the Roman territory, a new plebeian city. This secession showed in a palpable manner, even to the most obstinate of the oppressors, that such a civil war must end with economic ruin to themselves also, and the senate gave way. The dictator negotiated an agreement; the citizens returned within the city walls; unity was outwardly restored. The people gave Manius Valerius thenceforth the name of "the great" (*Maximus*), and called the mount beyond the Anio "the sacred" mount. There was indeed something mighty and elevating in such a revolution, undertaken by the multitude itself without definite guidance under generals whom accident supplied, and accomplished without bloodshed; and with pleasure and pride the citizens recalled its memory. Its consequences were felt for many centuries: it was the origin of the tribunate of the plebs.

Plebeian tribunes, and plebeian ædiles.

In addition to temporary enactments, particularly for remedying the most pressing cases of debtors' distress, and for providing for a number of the rural population by the founding of various colonies, the dictator carried in constitutional form a law, which he moreover (doubtless in order to secure amnesty to the burgesses for the breach of their military oath) caused every individual member of the community to swear to, and then had it deposited in a temple under the charge and custody of two magistrates specially appointed from the plebs for the purpose, the two "housemasters" (*ædiles*). This law placed by the side of the two

patrician consuls two plebeian tribunes, whom the curies had to elect. The power of the tribunes was of no avail in opposition to the military *imperium*, that is, in opposition to the authority of the dictator everywhere, or to that of the consuls beyond the city; but it stood on a footing of equality with the ordinary civil powers of office which the consuls exercised. The arrangement was such, however, that there was no partition of powers between them. The tribunes obtained on the one hand the right to cancel any command issued by a magistrate, by which the burgess whom it affected considered himself aggrieved, through a protest duly and personally tendered; and on the other hand the prerogative of pronouncing criminal sentences without limit and of defending them, if an appeal took place, before the assembled people. To these there was very soon attached the further prerogative of addressing the people in general and of initiating projects of law.

Intercession.

The power of the tribunes therefore primarily involved the right of putting a stop at their pleasure to acts of administration and to the execution of the law, of enabling a person bound to military service to withhold himself from the levy with impunity, of preventing or cancelling the arrest of the condemned debtor or his imprisonment during investigation, and other powers of the same sort. That this redress in law might not be frustrated by the absence of a helper, it was further ordained that the tribune should not spend a night out of the city, and that his door must stand open day and night. The tribunes however could not prohibit the judge from pronouncing his sentence, the senate from adopting its decree, or the centuries from giving their votes.

Jurisdiction.

In virtue of their judicial office they could by their messengers summon before them any burgess (even the consul in office), have him seized if he should refuse to come, imprison him during investigation or allow him to find bail, and then adjudge him to death or to a fine. For this purpose the two plebeian ædiles, who were appointed at the same time, were attached to the tribunes as their attendants and assistants, and so were also the "ten men for judicial procedure" (*judices decemviri*, afterwards *decemviri litibus judicandis*). The jurisdiction of the latter is not known; the ædiles had judicial powers like the tribunes, but principally in minor causes that might be settled by fines. As the tribunes had not the military *imperium*, without which the

centuries could not be convoked, and as it appeared absolutely necessary to render the former, when in consequence of an appeal being entered they had to defend their judgment before the people, independent of the patrician magistrates, a new mode of voting was introduced on their account, viz., by tribes or wards. The four former wards, which embraced town and country, were not suitable for this purpose, because they were too large and their number
495 was even. Accordingly the territory was divided in 259 into twenty-one new districts, the first four of which were the ancient wards now restricted to the city and its immediate environs; sixteen others were formed from the rural territory on the basis of the clan-districts of the earliest Roman domain (P. 38), and the last, the Crustuminian, derived its name from the place whither the plebeians had retired. The voters in the centuries and the tribes were substantially the same—the collective body of freeholders; but the distinction between large and small holdings of land, as well as the right of precedence in voting that belonged to the nobility, were ignored in the latter, and the presidency of the tribunes gave to that assembly still more decidedly an oppositional character.

This new jurisdiction of the tribunes and ædiles, and the appellate decisions of the *comitia tributa* thence arising, were meant beyond doubt to be as much governed by the laws as the jurisdiction of the consuls and quæstors and the judgments of the centuries on appeal. The legal conceptions however of crimes against the community (P. 158), and of offences against order (P. 159), were themselves so little fixed, and their statutory definition so difficult and indeed impossible, that the administration of justice under these categories from its very nature bore almost inevitably the stamp of arbitrariness. And at this epoch, when the very idea of right had become obscured amidst the struggles of the orders, and when the recognized party leaders on both sides were furnished with co-ordinate jurisdiction, that jurisdiction must have more and more approximated to the character of mere arbitrary police. It struck more especially at the magistrate. By right the magistrate, according to Roman state-law, so long as he was in office, was amenable to no jurisdiction at all, and even after demitting his office he was not responsible for acts performed in his character and within his province as a magistrate; even on

the introduction of the *provocatio* there had been no attempt to depart from these principles (P. 260). But now the tribunician power became practically a control exercised over every magistrate, sometimes immediately, sometimes in the sequel, and a control the more oppressive that neither the crime nor its punishment was formally constituted by law. In fact, by means of the co-ordinate jurisdiction of the tribunes and consuls, the estates, limbs, and lives of the burgesses were left to be dealt with at the pleasure or caprice of party-assemblies.

With this parallel jurisdiction there was further associated a parallelism in the right of initiating legislation. As the tribunes had to address the people in defending their sentences in cases of penal procedure, it was natural that they should come to hold assemblies of the people for other purposes also, and that they should address such assemblies or allow others to address them—a right that was specially guaranteed by the Icilian law (262), which threatened with severe punishment any one who should interrupt the tribune while speaking, or should bid the assembly disperse. It is evident that under such circumstances the tribune could not well be prevented from taking a vote on other proposals as well as on the confirmation of his sentences. Such "resolves of the multitude" (*plebi scita*) were not indeed strictly valid decrees of the people; on the contrary they were at first little more than resolutions, such as are adopted at our modern popular meetings; but as the distinction between the *comitia centuriata* and the *comitia tributa* was of a formal nature rather than aught else, the validity of these autonomic determinations of the community was at once asserted, at least on the part of the plebeians, and the Icilian law for instance was immediately carried in this way. Legislation. 492.

Thus were the tribunes of the people appointed as a shield and protection for individuals, and as leaders and managers for the collective body, provided with unlimited judicial power in criminal proceedings that in this way they might add emphasis to their commands, and lastly even pronounced to be in their persons inviolable (*sacrosancti*). The people man by man swore for themselves and their children to defend the tribunes; and whoever laid hands upon them was regarded not merely as forfeited to the vengeance of the gods, but also as outlawed and proscribed among men.

The tribunes of the multitude (*tribuni plebis*) originated

Relation of the tribune to the consul.

from the military tribunes, and derived from them their name; but constitutionally they had no further relation to them. On the contrary, in respect of powers the tribunes of the plebs stood upon a level with the consuls. The appeal from the consul to the tribune, and the tribune's right of intercession in opposition to the consul, were precisely of the same nature with the appeal from consul to consul and the intercession of the one consul in opposition to the other; and both cases were simply applications of the general principle of law, that in a collision between two equal authorities he who forbids takes precedence of him who enjoins. Moreover the original number (which indeed was soon augmented), the annual duration of the magistracy, which in the case of the tribunes changed its occupants on the 10th of December, and their irremoveable tenure of office, were common to the tribunes and the consuls. They shared also the peculiar collegiate arrangement, which placed the full powers of the magistracy in the hands of each individual consul and of each individual tribune, and, when collisions occurred within the college, did not count the votes, but made the Nay take precedence of the Yea; for which reason, when a tribune forbade, the veto of the individual was sufficient notwithstanding the opposition of his colleagues, while on the other hand when he brought an accusation he could be thwarted by any one of those colleagues. Both consuls and tribunes had full and parallel criminal jurisdiction; and in its exercise, as the two quæstors were attached to the former, the two ædiles were associated with the latter.* The consuls were necessarily patricians, the tribunes necessarily plebeians; both were elected by the

* That the plebeian ædiles were formed after the model of the patrician quæstors in the same way as the plebeian tribunes after the model of the patrician consuls is evident, both as regards their criminal functions (in which the distinction between the two magistracies seems to have lain in their tendencies only, not in their powers) and as regards their charge of the archives. The temple of Ceres was to the ædiles what the temple of Saturn was to the quæstors, and from the former they derived their name. Significant in this
449. respect is the enactment of the law of 305 (Liv. iii. 55), that the decrees of the senate should be delivered over to the ædiles there, whereas, as is well known, according to the ancient (and after the settlement of the struggles between the orders the exclusively retained) practice, those decrees were committed to the quæstors for preservation in the temple of Saturn. That the plebs also for a time had a chest of its own, and that the ædiles managed it, is possible, and, from the way in which the latter dealt with the *multæ* paid to them, even probable; but it cannot be certainly proved.

whole burgesses, but the former as leaders of the army were chosen by the centuries, the latter, who had not the *imperium*, by the non-military *comitia curiata*. The former had the ampler power, the latter the more unlimited, for the consul submitted to the prohibition and the judgment of the tribune, but the tribune did not submit himself to the consul. Thus the tribunician power was a copy of the consular; but it was none the less a contrast to it. The power of the consuls was essentially positive, that of the tribunes essentially negative. Therefore the consuls alone were magistrates, that is, commanders, and they alone appeared in public with the apparel and retinue pertaining to state-officials; the tribune was not a magistrate, and in token thereof he sat on a stool instead of a "chariot seat," and he wanted the official attendants, the purple border, and generally all the insignia of magistracy: even in the senate the tribune had neither seat nor vote. Thus, in this remarkable institution, absolute prohibition was in the most stern and abrupt fashion opposed to absolute command; the quarrel was adjusted, forsooth, by the legal recognition and organization of discord between rich and poor.

Political value of the tribunate.

But what was gained by a measure, which broke up the unity of the state; which subjected the magistrates to an official control unsteady in its action and dependent on all the passions of the moment; which in the hour of peril might have brought the administration to a dead-lock at the bidding of any one of the opposition chiefs elevated to the rival throne; and which, by investing all the magistrates with co-ordinate jurisdiction in the administration of criminal law, as it were formally transferred that administration from the domain of law to that of politics, and corrupted it for all time coming? It is true indeed that the tribunate, if it did not directly contribute to the political equalization of the orders, served as a powerful weapon in the hands of the plebeians when these soon afterwards desired to be admitted to the offices of state. But this was not the real design of the tribunate. It was a concession wrung not from the politically privileged order, but from the rich landlords and capitalists; it was designed to insure to the commons equitable administration of law, and to promote a more proper administration of finance. This design it did not, and could not, fulfil. The tribune might put a stop to particular iniquities, to individual instances of crying hardship; but the fault lay not in the

unfair working of a righteous law, but in a law which was itself unrighteous, and how could the tribune regularly put a stop to the ordinary course of justice? Could he have done so, it would have served little to remedy the evil, unless the sources of impoverishment were stopped,—the perverse taxation, the wretched system of credit, and the pernicious occupation of the domain-lands. But such measures were not attempted, evidently because the wealthy plebeians themselves had no less interest in these abuses than the patricians. So this singular magistracy was instituted, which presented to the commons an obvious and available aid, and yet could not possibly carry out the necessary economic reform. It was no proof of political wisdom, but a wretched compromise between the wealthy aristocracy and the leaderless multitude. It has been affirmed that the tribunate of the people preserved Rome from tyranny. Were it true, it would be of little moment: a change in the form of the state is not in itself an evil for a people; on the contrary it was a misfortune for the Romans, that monarchy was introduced too late, after the physical and mental energies of the nation were exhausted. But the assertion is not correct; as is shown by the circumstance that the Italian states remained as regularly free from tyrants as the Hellenic states regularly witnessed their rise. The reason lies simply in the fact that tyranny is everywhere the result of universal suffrage, and that the Italians excluded the citizens who had no land from their public assemblies longer than the Greeks did: when Rome departed from this course, monarchy did not fail to emerge, and its emergence was associated with this very tribunician office. That the tribunate had its use, in pointing out legitimate paths of opposition and averting many a wrong, no one will fail to acknowledge; but it is equally evident that, where it did prove useful, it was employed for very different objects from those for which it had been established. The bold experiment of allowing the leaders of the opposition a constitutional veto, and of investing them with power to assert it regardless of the consequences, proved to be an expedient by which the state was politically unhinged; and social evils were prolonged by the application of useless palliatives.

Further dissensions.

Now that civil war was organized, it pursued its course. The parties stood face to face as if drawn up for battle, each under its leaders. Restriction of the consular and extension

of the tribunician power were the objects contended for on the one side; annihilation of the tribunate on the other. Legal impunity secured for insubordination, refusal to enter the ranks for the defence of the land, impeachments involving fines and penalties directed specially against magistrates who had violated the rights of the commons or who had simply provoked their displeasure, were the weapons of the plebeians—weapons which the patricians met by violence, by concert with the public foes, occasionally also by the dagger of the assassin. Hand-to-hand conflicts took place in the streets, and on both sides the sacredness of the magistrate's person was violated. Many families of burgesses are said to have migrated, and to have sought more peaceful abodes in neighbouring communities; and we may well believe it. We have an evidence of the strong civic spirit of the people in the fact, not that it embraced such a constitution, but that it endured it, and that the community, notwithstanding the most vehement convulsions, still held together.

Coriolanus. 491.

The best-known incident in these conflicts of the orders is the history of Gaius Marcius, a brave aristocrat, who derived his surname from the storming of Corioli. Indignant at the refusal of the centuries to intrust to him the consulate in the year 263, he is reported to have proposed, according to one version, the suspension of the sales of corn from the state-stores, till the hungry people should abandon the tribunate; according to another version, the direct abolition of the tribunate itself. Impeached by the tribunes so that his life was in peril, it is said that he left the city, only however to return at the head of a Volscian army; that when he was on the point of conquering the city of his fathers for the public foe, the earnest appeal of his mother touched his conscience; and that thus he expiated his first treason by a second, and both by death. How much of this is true cannot be determined: but the story, over which the naïve misrepresentations of the Roman annalists have shed a patriotic glory, affords a glimpse of the deep moral and political disgrace of these conflicts between the orders. Of a similar stamp was the surprise of the Capitol by a band of political refugees, led by a Sabine chief, Appius Herdonius, in the year 294; they summoned the slaves to arms, and it was only after a violent conflict, and by the aid of the Tusculans who had hastened to its help, that the Roman burgess-force overcame the Catilinarian band. The same character of

460.

fanatical exasperation marks other events of this epoch, the historical significance of which can no longer be apprehended in the lying family narrations; such as the ascendancy of the Fabian *gens* which furnished one of the two consuls from
485—479. 269 to 275, and the reaction against it—the emigration of the Fabii from Rome, and their annihilation by the Etrus-
477. cans on the Cremera (277). It was perhaps in connection with this quarrel, that the right hitherto belonging to the magistrate of proposing his successor was withdrawn, at least
481. as regarded the one consul (about 273). Still more odious was the murder of the tribune of the people, Gnæus Genucius, who had ventured to call two consulars to account for their administration, and who on the morning of the day fixed
473. for the impeachment was found dead in his bed (281). The
471. immediate effect of this was the Publilian law (283), which was carried indeed only as a *plebiscitum*, but which the aristocracy did not venture to dispute. Whether it was this law that first increased the number of the tribunes from two to five, or whether that increase had already taken place before it passed, cannot be ascertained. At any rate it transferred the election of the tribunes from the curies to the tribes; and the circumstance that the same assembly, which the tribunes were entitled to convoke, was vested with the right of electing them, brought to them a further accession of power.

Agrarian law of Spurius Cassius.

More important in its consequences, and more sagacious in plan, than all these party manœuvres was the attempt of Spurius Cassius to break down the financial omnipotence of the rich, and so to put a stop to the true source of the evil. He was a patrician, and none in his order surpassed him in rank and renown. After two triumphs, in his third consulate
486. (268), he submitted to the *comitia* a proposal to have the public domain measured and to lease part of it for the benefit of the public treasury, while a further portion was to be distributed among the necessitous. In other words, he attempted to wrest the control of the public lands from the senate, and, with the support of the burgesses, to put an end to the selfish system of occupation. He probably imagined that his personal distinction, and the equity and wisdom of his measures, might carry them even through that stormy sea of passion and of weakness. But he was mistaken. The nobles rose as one man; the rich plebeians took part with them; the commons were dissatisfied because Spurius Cassius desired, in accordance with federal rights and equity,

to give to the Latin confederates their share in this assignation. Cassius had to die. There was some truth in the charge that he had usurped regal power, for he had endeavoured like the kings to protect the free commons against his own order. His law was buried along with him; but its spectre thenceforward incessantly haunted the eyes of the rich, and again and again it rose from the tomb against them, till the conflicts to which it led destroyed the commonwealth.

A further attempt was made to get rid of the tribunician power by securing to the commons equality of rights in a more regular and more effectual way. The tribune of the people, Gaius Terentilius Arsa, proposed a commission of five men to prepare a code of public laws by which the consuls should in future be bound in exercising their judicial powers. Ten years elapsed ere this proposal was carried into effect—years of vehement strife between the orders, and agitated by wars without as well as by troubles within. With equal obstinacy, the governing party obstructed the passing of the law, and the commons nominated again and again the same men as tribunes. Attempts were made to evade the attack by other concessions. In the year 297 an increase of the tribunes from five to ten was sanctioned—a very dubious gain—and in the following year, by an Icilian *plebiscitum* which was admitted among the sworn privileges of the commons, the Aventine, which had hitherto been a temple-grove and uninhabited, was distributed among the poorer burgesses for building-sites in heritable occupancy. The commons took what was offered to them, but never ceased to insist on their demand for a legal code. At length, in the year 300, a compromise was effected; the preparation of a legal code was resolved upon, and as a preliminary step an embassy was despatched to Greece to bring home the laws of Solon and other Greek codes. On its return there were elected from the nobility,* for the year 303, "ten men for

Decemvirs. 457. 451.

* It is to be observed, however, that the decemvirate *consulari potestate*, like the kindred military tribunate *consulari potestate*, was in all probability legally open both to patricians and plebeians. That it was so is not only indicated by the demand of the tribunes (Liv. iii. 31): *communiter legum latores et ex plebe et ex patribus crearent*, and by the remark (iii. 32): *admiscerenturne plebei, controversia aliquamdiu fuit*, but is very decisively proved in the case of the second decemviral college by the names of the five last decemvirs, who unquestionably belonged to plebeian *gentes*. Livy is decidedly wrong in saying (iv. 3, 17) that the decemvirs were *omnes ex patribus*.

drawing up a code of law," who at the same time acted as supreme magistrates in room of the consuls (*decemviri consulari imperio legibus scribundis*); the tribunate of the people and the right of appeal were suspended, and the decemvirs were simply bound not to infringe the sworn liberties of the commons.

Taking a connected view of these measures, we can scarcely attribute to them any other design than that of substituting for tribunician intercession a limitation of the consular powers by written law. On both sides there must have been a conviction that things could not remain as they were, and that the perpetuation of anarchy, while it ruined the commonwealth, could in reality benefit no one. Sensible people could not but discern that the interference of the tribunes in administration and their action as prosecutors had an absolutely pernicious effect; and the only real gain which the tribunate brought to the commons was the protection which it afforded against a partial administration of justice, by operating as a sort of court of cassation to check the caprice of the magistrate. Beyond doubt, when the plebeians desired a written code, the patricians replied that in that event the legal protection of tribunes would be superfluous; and thus there appears to have been yielding on both sides. It is not clear (and perhaps no definite arrangement was entered into on the point) what was to be done after the preparation of the code was completed; but the intention probably was, that the decemvirs should on their retiring propose to the people to abandon the tribunician power and to leave themselves in the hands of the consuls, whose sentences would no longer rest upon their arbitrary pleasure, but on the written law.

Legislation of the Twelve Tables.

451. The plan, judged thus rightly, was a wise one. All depended on whether men's minds, exasperated on either side with passion, would accept that peaceful adjustment. The decemvirs of the year 303 submitted their law to the people, and it was confirmed by them, engraven on ten tables of copper, and affixed in the forum to the rostra in front of the senate-house. But as a supplement appeared necessary,

450. decemvirs were again nominated in the year 304, who added two more tables. Thus originated the first and only legal code of Rome, the law of the Twelve Tables. It proceeded from a compromise between parties, and for that very reason could not well include any changes of the existing law

more comprehensive than mere regulations of police or enactments adapted to existing circumstances. Even in the system of credit no further alleviation was introduced than the establishment of a—probably low—maximum of interest (10 per cent.) and the threatening of heavy penalties against the usurer—penalties, characteristically enough, far heavier than those of the thief; the harsh procedure in actions of debt remained at least in its leading features unaltered. Still less, as may easily be conceived, were changes contemplated in the rights of the orders. On the contrary the distinction between freeholders and non-freeholders, and the invalidity of marriage between patricians and plebeians, were confirmed anew in the law of the city. In like manner, with a view to restrict the caprice of the magistrate and to protect the burgess, it was expressly enacted that the later law should uniformly have precedence over the earlier, and that no decree of the people should be issued against a single burgess. The most remarkable feature was the exclusion of the right of appeal to the *comitia tributa* in capital causes, while the privilege of appeal to the centuries was guaranteed; which only admits of explanation on the hypothesis, that it was intended to abolish the tribunician powers and by consequence the tribunician criminal procedure also (P. 281). The real political significance of the measure resided less in the contents of its legislation than in the formal obligation now laid upon the consuls to administer justice according to its forms of procedure and its rules of law, and in the public exhibition of the book of the law, by which the administration of justice was subjected to the control of publicity, and the consul was compelled to dispense equal and truly common justice to all.

Fall of the decemvirs.

The laws of the city were thus completed. It only remained for the decemvirs to publish the two last tables, and then to give place to the ordinary magistracy. But they delayed to do so: under the pretext that the laws were not yet ready, they themselves prolonged their magistracy after the expiry of their official year—a step quite possible under Roman constitutional law, since even a magistrate appointed for a term only ceased to be magistrate by formally demitting his office. What the motive for this course was, it is difficult to say;* but it would seem not to have been on

* The representation that we have given in the text is based upon the view taken by the ancient authorities; but there must in all probability have been

personal grounds merely that the decemvirs were induced to perpetrate this breach of the law. In all probability the aristocratic party were apprehensive that when the consuls were restored the renewal of the tribunician college also would be demanded, and waited at least for a favourable moment to revive the consulate without the limitations of the Valerian laws. The moderate section of the aristocracy, with the Valerii and Horatii at their head, are said to have attempted in the senate to compel the abdication of the decemvirate; but the head of the decemvirs, Appius Claudius, a passionate champion of the strict aristocratic party, gained over the greater portion of the senators, and the people submitted. The levy of two armies was accomplished without opposition, and war was begun against the Volscians as well as against the Sabines. But now a former tribune of the people, Lucius Siccius Dentatus, the bravest man in Rome, who had fought in a hundred and twenty battles and had forty-five honourable scars to show, was found dead in front of the camp, foully murdered, as it was said, at the instigation of the decemvirs. A revolution was fermenting in men's minds; and its outbreak was hastened by the unjust sentence pronounced by Appius in a process as to the freedom of the daughter of the centurion Lucius Virginius,

another view which represented Appius Claudius as leaning upon the support of the *plebs*, and attempting with their help to acquire monarchical power. If one half of the second decemviral college consisted of plebeians (and there are few facts connected with this epoch so well accredited as this is), and the *plebs* had thus for the first time attained possession of the powers of the supreme magistracy, that very circumstance alone sufficiently shows that the decemvirate had ceased to be an instrument of the ruling aristocracy. This view is confirmed by what Livy relates regarding the canvassing of Appius Claudius for the second decemvirate (iii. 35): *ipse medius inter tribunicios Duellios Icilliosque in foro volitare, per illos se plebei venditare*, and by the censure of the two tables issued by the second set of decemvirs as "unjust laws (*iniquarum legum*, Cic. *de Rep.* ii. 37), which in the mouth of Cicero simply means "anti-conservative." The publication of the calendar, which was prescribed by one of these tables, certainly presents this character (see my *Röm. Chronol.* p. 39). Lastly, on this hypothesis the facts present a better concatenation of cause and effect; for in that case it was not the *plebs* alone, but also and indeed still more the nobility, that rose in rebellion against the new Tarquinius, and after the two in concert had overthrown him, the *plebs* once more claimed their tribunate, and the nobility their consulate.

As, however, no connected and well-accredited narrative of this incident can be given, it seemed inexpedient to deviate from the common view, by representing Appius in the character not of a bulwark of the aristocratic party but of a precursor of Cæsar.

the bride of the former tribune Lucius Icilius—a sentence which wrested the maiden from her relatives with a view to make her non-free and beyond the pale of the law, and induced the father himself to plunge his knife into the heart of his daughter in the open Forum, to rescue her from certain shame. While the people in amazement at the unheard-of deed surrounded the dead body of the fair maiden, the decemvir commanded his lictors to bring the father and also the bridegroom before his tribunal, in order to render to him, from whose decision there lay no appeal, immediate account for their rebellion against his authority. The cup now was full. Protected by the furious multitude, the father and the bridegroom of the maiden made their escape from the lictors of the despot, and while the senate trembled and vacillated in Rome, the pair presented themselves, with numerous witnesses of the fearful deed, in the two camps. The unparalleled tale was told; the eyes of all were opened to discern the perilous chasm which the withdrawal of tribunician protection had left in the security of law; and what the fathers had done their sons repeated. Once more the armies abandoned their leaders: they marched in warlike order through the city, and proceeded once more to the Sacred Mount, where they again nominated their own tribunes. Still the decemvirs refused to resign their power; and the army appeared with its tribunes in the city, and encamped on the Aventine. Then at length, when civil war was imminent and the conflict in the streets might hourly begin, the decemvirs renounced their usurped and dishonoured power; and Lucius Valerius and Marcus Horatius negotiated a second compromise, by which the tribunate of the plebs was again established. The impeachment of the decemvirs terminated in the two most guilty, Appius Claudius and Spurius Oppius, committing suicide in prison, while the other eight went into exile and the state confiscated their property. The prudent and moderate tribune of the plebs, Marcus Duilius, prevented further judicial prosecutions by a seasonable use of his veto.

Restoration of the tribunate.

So runs the story, which as usual depicts the occasions, while it leaves unnoticed the causes, of events. It can hardly have been the mere individual atrocities of particular decemvirs that provoked the renewal of the tribunician power. By the suppression of that power the plebeians were deprived of the only political position accessible to

them; it is conceivable that their leaders never meant perhaps really to abandon it, and that they would at least embrace the first opportunity to show to the people that the dead letter of the law was by no means to be compared with the tribune's arm. The arrogance of the aristocracy, which had perversely selected its most zealous champions as decemvirs, met them half way; and thus the folly of the rival parties tore the plan of union asunder like a gossamer web.

The new compromise naturally proved very favourable to the plebeians, and imposed severely felt restrictions on the powers of the nobility. The code of law wrung from the aristocracy, the two last tables of which were published as a supplement, was, as a matter of course, adhered to and enforced, and the consuls were obliged to judge accordingly. Under that arrangement indeed the tribes lost jurisdiction in capital causes; but as an ample compensation for that loss, it was enacted that in future every magistrate (and therefore the dictator among the rest) should be bound at his nomination to allow the right of appeal: if any one should nominate a magistrate on other terms, he was to expiate the offence with his life. In other respects the dictator retained his former powers; and, in particular, his official acts could not, like those of the consuls, be cancelled by a tribune. The tribunes retained, in the right absolutely to pronounce sentences of money-fines and to submit their sentences to the *comitia tributa*, a sufficient means of driving an opponent out of the pale of the commonwealth. A new feature was the conceding to the tribunes and their *comitia* an influence over administration and finance. The administration of the military chest was withdrawn from the consuls and committed to two paymasters (*quæstores*), who
447. were nominated for the first time in 307 by the tribunes in their *comitia*, but from the ranks of the aristocracy. These quæstorial elections were the first *plebiscita* which had undisputed force of law, and on that account, accordingly, the right of taking the auspices was granted to the tribunes. A concession of still greater consequence was the granting to the tribunes a deliberative voice in the senate. To admit the tribunes to the hall where the senate sat, appeared to that body beneath its dignity; so a bench was placed for them at the door that they might from that spot follow its proceedings. But the tribunes could not be prevented from now opposing any decree of the senate that displeased them; and

the new principle became established, although only gradually, that any resolution of the senate or of the public assembly might be arrested by the intercession of a tribune. Lastly, to secure the decrees of the senate from being tampered with or forged, it was enacted that in future they should be deposited, not merely under charge of the patrician *quæstores urbani* in the temple of Saturn, but also under the charge of the plebeian ædiles in the temple of Ceres. Thus the struggle, which was begun in order to get rid of the tribunician power, terminated in the definitive completion of its title to annul not only particular acts of administration on the appeal of the person aggrieved, but also any resolution of the constituent powers of the state at pleasure. The personal safety of the tribunes, and the uninterrupted maintenance of the college at its full number, were secured by the most sacred oaths and by every element of reverence that religion could present. No attempt to abolish this magistracy was ever from this time forward made in Rome.

CHAPTER III.

THE EQUALIZATION OF THE ORDERS, AND THE NEW ARISTOCRACY.

Union of the plebeians.

THE tribunician movement appears to have mainly originated in social rather than political discontent, and there is good reason to suppose that some of the wealthy plebeians admitted to the senate were no less opposed to that movement than the patricians. For they shared in the privileges against which the movement was mainly directed; and although in other respects they found themselves treated as inferior, it probably seemed to them by no means an appropriate time for asserting their claim to participate in the magistracies, when the exclusive financial power of the whole senate was assailed. This explains why during the first fifty years of the republic no step was taken aiming directly at the political equalization of the orders.

But this league between the patricians and wealthy plebeians by no means bore within it any security for its permanence. Beyond doubt from the very first some of the leading plebeian families had attached themselves to the movement-party, partly from a sense of what was due to the fellow-members of their order, partly in consequence of the natural bond which unites all who are treated as inferior, and partly because they perceived that concessions to the multitude were inevitable in the issue, and that, if turned to due account, they would result in the abrogation of the exclusive rights of the patriciate, and would thereby give to the plebeian aristocracy the decisive preponderance in the state. Should this conviction become, as it could not fail to become, more and more prevalent, and should the ple-

beian aristocracy at the head of its order take up the struggle with the patrician nobility, it would wield in the tribunate a legalized instrument of civil warfare, and it might, with the weapon of social distress, so fight its battles as to dictate to the nobility the terms of peace and, in the position of mediator between the two parties, compel its own admission to the offices of state.

Such a crisis in the position of parties occurred after the fall of the decemvirate. It had now become perfectly clear that the tribunate of the plebs could never be set aside; and the plebeian aristocracy could not do better than seize this powerful lever, and employ it for the removal of the political disabilities of their order.

Throwing open of marriage and of magistracies.

Nothing shows so clearly the defencelessness of the patrician nobility when opposed to the united plebs, as the fact that the two fundamental principles of the exclusive party—the invalidity of marriage between nobles and commoners and the incapacity of commoners to hold public offices—fell, at least in theory, at the first blow scarcely four years after the decemviral revolution. In the year 309 it was enacted by the Canuleian law, that marriage between a patrician and a plebeian should be valid as a true Roman marriage, and that the children begotten of such a marriage should follow the rank of the father: and at the same time it was further carried, that in place of consuls, military tribunes (as a rule apparently six—as many as there were tribunes to the legion), with consular powers* and consular duration of

445.

Military tribunes with consular powers.

* The hypothesis that, legally, the full *imperium* belonged to the patrician, and only the military *imperium* to the plebeian, consular tribunes, not only raises many questions which its advocates cannot answer (as, for example, what happened in the event of the election falling, as was by law quite possible, wholly on plebeians?), but conflicts with the fundamental principle of Roman constitutional law, that the *imperium*, that is to say, the right of commanding the burgess in name of the community, was in its essential character indivisible and capable of no other limitation at all than a territorial one. There was a province of common law and a province of military law, in the latter of which the *provocatio* and other regulations of the common law were not applicable; there were magistrates, such as the proconsuls, who were empowered to discharge functions simply in the latter; but there were, in the strict sense of law, no magistrates with merely jurisdictional, as there were none with merely military, *imperium*. The proconsul was in his province, just like the consul, at once commander-in-chief and supreme judge, and was entitled to send to trial actions not only between non-burgesses and soldiers, but also between burgesses. Even when, on the institution of the prætorship, the idea arose of special functions appertained to the *magistratus majores*, this division of powers had more of a practical than of a strictly

office, should be elected by the centuries. According to the ancient law every burgess or *metoikos* liable to service might attain the post of an officer (P. 100), and in virtue of that principle the supreme magistracy was accordingly opened up alike to patricians and plebeians. The question naturally occurs, what interest the aristocracy could have (now that it was under the necessity of abandoning its exclusive possession of the highest magistracy and of making concessions) in refusing to the plebeians the name, and conceding to them the reality in this singular form?* In order to answer it, we must recollect that investiture with the supreme magistracy was according to primitive custom associated with the right to place the images of ancestors who had held office in the family hall, and to exhibit them on appropriate occasions in public, and with other hereditary distinctions. Whether this distinction between the "curule houses" and the other families embraced within the patriciate was ever

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legal force; the *prætor urbanus* was primarily indeed the supreme judge, but he could also convoke the centuries and command the army; the consul held primarily the supreme administration of the city and the command of the army, but he too acted as a judge in cases of emancipation and adoption—the functional indivisibility of the supreme magistracy was therefore, even in these instances, very strictly adhered to on both sides. It thus appears that the military as well as jurisdictional authority, or, laying aside these abstractions foreign to the Roman law of this period, the absolute magisterial power, virtually pertained to the plebeian consular tribunes as well as to the patrician. But the supposition of Becker (*Handb.* ii. 2, 137) is highly probable, that (for the same reasons for which, at a subsequent period, the exclusively patrician prætorship was associated with the consulship common to both orders) during the consular tribunate the plebeian members of the college were practically excluded from jurisdiction, and so far certainly the consular tribunate prepared the way for the subsequent actual division of jurisdiction between consuls and prætors.

* The defence, that the aristocracy clung to the exclusion of the plebeians from religious prejudice, mistakes the fundamental character of the Roman religion, and imports into antiquity the modern distinction between Church and State. The admittance of a non-burgess to a religious ceremony of the citizens could not indeed but appear sinful to the orthodox Roman; but even the most rigid orthodoxy never doubted that admittance to civic communion, which absolutely and solely depended on the State, involved also full religious equality. All such scruples of conscience, the honesty of which in themselves we do not mean to doubt, were precluded, when once they dealt with the plebeians *en masse* as they had done with Appius Claudius and granted them at the right time the patriciate. So little, therefore, was it true that the nobility refused civic equality to avoid aggrieving the consciences of the pious, that, on the contrary, it allowed them to be aggrieved by the admission of 'non-burgesses' to civic functions, only with a view to refuse still longer equality of position to the commonalty.

of any real political importance cannot with certainty be either affirmed or denied, and as little do we know whether at this epoch there were in reality many such non-curule patrician families. But the circumstance is as easily explained as it is with difficulty to be vindicated, that the governing aristocratic order should have allowed the government itself to be wrested from their hands far sooner than the hereditary honorary rights associated with it; and therefore, when it was obliged to share the former with the plebeians, it gave to the actual supreme magistrates the legal standing not of the holder of a curule chair, but of a simple staff-officer, whose distinction was one purely personal. Upon the same principle the honour of a triumph, as associated *de jure* with the supreme magistracy of the state, could never be accorded to the military tribune.

Opposition of the patriciate.

Notwithstanding the retention however of these vexatious disabilities, the privileges of the *gentes*, so far as they had a political value, were legally superseded by the new institution; and, had the Roman nobility been worthy of its name, it would now have given up the struggle. But it did not. Though a rational and legal resistance was thenceforth impossible, there still presented itself to spiteful opposition a wide field of petty expedients, of chicanery and intrigue: and little honourable or politically prudent as such resistance was, it was still in a certain sense fruitful of results. It certainly prolonged civil war for another century, and finally procured for the commons concessions which could not easily have been wrung from the united Roman aristocracy; but it also enabled the nobility, in defiance of the laws, practically to retain exclusive possession of the government for several generations longer.

Their expedients.

The expedients of which the nobility availed themselves were as various as a paltry policy could suggest. Instead of deciding at once the question as to the admission to office or exclusion from it of the plebs, they conceded what they were compelled to concede, but only with reference to the next impending elections. The vain struggle was thus annually renewed whether patrician consuls or military tribunes from both orders with consular powers should be nominated; and among the weapons of the aristocracy this mode of conquering an opponent, by wearying and annoying him, proved by no means the least effectual. Moreover they broke up the supreme power which had hitherto been undivided, in

Division of the office.

order to delay their inevitable defeat by multiplying the points to be assailed. Thus the adjustment of the budget and of the burgess- and taxation-rolls, which ordinarily took place every fourth year and had hitherto been managed by
435. the consuls, was intrusted in the year 319 to two valuators
Censorship. (*censores*), nominated from among the nobles by the centuries for a period, at the most, of eighteen months. The new office gradually became the palladium of the aristocratic party, less on account of its financial influence than for the sake of the right, annexed to it, of filling up vacancies in the senate and in the equites. At this epoch, however, the censorship by no means possessed the great importance and moral supremacy which afterwards were associated with it.

Quæstorship. A somewhat similar course was pursued in the year 333 in
421. respect to the quæstorship. There were at that time four quæstors, of whom the two intrusted with the management of the city chest were nominated by the consuls, and the two military paymasters by the tribes, all however from the nobility. The nobility appears to have made an attempt to take away the nomination of the two city quæstors from the consuls, and to transfer it, probably, to the centuries. When the exclusive possession of the supreme magistracy itself could no longer be defended, it may have seemed advisable to divest it of its financial importance, and by means of aristocratic censors and quæstors to keep at least the budget and the state chest under the exclusive control of the patriciate. But if such a plan existed, it was entirely frustrated. The nomination of the city quæstors was certainly taken away from the consuls, but it went not to the centuries, but, like that of the military paymasters, to the *comitia tributa*. And, what was of still more moment, the commons, perhaps basing their case on the ground that the two military paymasters were in fact officers rather than civil functionaries, and that accordingly the plebeian appeared as well entitled to the quæstorship as to the military tribuneship, acquired in this instance for the first time the privilege of eligibility as well as the right of election. With justice it was felt on the one side as a great victory, on the other as a severe defeat, that thenceforth patrician and plebeian were equally capable of electing and being elected to the military as well as to the urban quæstorship.

Thus the nobility, in spite of the most obstinate resistance, only sustained loss after loss. Exasperation increased as

power decreased. Attempts were still made directly to assail the rights secured by agreement to the commons; but such attempts were not so much the well-considered manœuvres of party as the acts of an impotent thirst for vengeance. Such in particular was the process against Mælius. Spurius Mælius, a wealthy plebeian, during a severe dearth (315) sold corn at such prices as to put to shame and annoy the patrician store-president (*præfectus annonæ*) Gaius Minucius. The latter accused him of aspiring to kingly power; with what amount of reason we cannot decide, but it is scarcely credible that a man who had not even filled the tribunate should have seriously thought of sovereignty. Nevertheless the authorities took up the matter in earnest, and the hue and cry of "King" always told on the multitude in Rome with an effect similar to that of the cry of "the Pope" on the masses in England. Titus Quinctius Capitolinus, who was for the sixth time consul, nominated Lucius Quinctius Cincinnatus, who was eighty years of age, as dictator without appeal, in open violation of the solemnly sworn laws (P. 294). Mælius, summoned before him, seemed disposed to disregard the summons; and the dictator's master of the horse, Gaius Servilius Ahala, slew him with his own hand. The house of the murdered man was pulled down, the corn from his granaries was distributed gratuitously to the people, and those who threatened to avenge his death were secretly made away with. This disgraceful judicial murder—even more a disgrace to the credulous and blind people than to the malignant faction of young patricians—passed unpunished; but if that faction hoped by such means to undermine the right of appeal, it violated the law and shed innocent blood in vain.

Attempts at counter-revolution.

439.

Electioneering intrigues and priestly trickery proved in the hands of the nobility more efficient than any other weapons. The extent to which the former must have prevailed is best seen in the fact, that in 322 it appeared necessary to issue a special law against electioneering practices, which of course was of little avail. When the voters could not be influenced by corruption or threatening, the presiding magistrates took the matter in hand, and either admitted so many plebeian candidates that the votes of the opposition were thrown away amongst them, or omitted from the list of candidates those whom the majority were disposed to choose. If in spite of all this an obnoxious

Intrigues of the nobility.

432.

election was carried, the priests were consulted whether no vitiating circumstance had occurred in the auspices or other religious ceremonies on the occasion; and some such flaw they seldom failed to discover. Taking no thought as to the consequences, and unmindful of the wise example of their ancestors, it was allowed to become an established rule, that the skilled colleges of priests were entitled to cancel any act of state, whether law or election, on the pretext of religious informality. Thus it happened that, while the eligibility of plebeians had been already established by law
445. in 309 and thenceforward continued to be legally recog-
409. nized, it was only in 345 that the first plebeian attained the
400. quæstorship, and only in 354 that the first plebeian attained the military tribunate with consular powers. It was apparent that the legal abolition of the privileges of the nobles had by no means, really and practically, placed the plebeian aristocracy on a footing of equality with the nobility of the *gentes*. Many causes contributed to this result: the tenacious opposition of the nobility far more easily allowed itself to be theoretically superseded in a moment of excitement, than to be permanently kept down in the annually recurring elections; but the main cause was the inward disunion between the chiefs of the plebeian aristocracy and the mass of the farmers. The middle class, whose votes were decisive in the comitia, did not feel itself specially called on to advance the interests of the leading non-nobles, so long as its own demands were disregarded by the plebeian no less than by the patrician aristocracy.

The suffering farmer-class.

During these political struggles social questions had lain altogether dormant, or were discussed at any rate with less energy. After the plebeian aristocracy had gained possession of the tribunate for its own ends, no serious notice was taken either of the question of the domains or of a reform in the system of credit; although there was no lack either of newly acquired lands or of decaying or decayed farmers. Instances indeed of assignations took place, particularly in the recently conquered border-territories, such as those of
442. 418. the domain of Ardea in 312, of Labici in 336, and of Veii in
393. 361—more however on account of military grounds than with a view to relieve the farmer, and by no means to an adequate extent. Individual tribunes perhaps attempted to revive the law of Cassius—for instance Spurius Mæcilius and
417. Spurius Metilius instituted in the year 337 a proposal for

the distribution of the whole state-lands—but they were thwarted, in a manner peculiarly characteristic of the existing situation of parties, by the opposition of their own colleagues, or in other words of the plebeian aristocracy. Among the patricians also there were some who attempted to remedy the common distress; but with no better success than had formerly attended Spurius Cassius. A patrician like Cassius, and like him distinguished by military renown and personal valour, Marcus Manlius, the saviour of the Capitol during the Gallic siege, came forward as the champion of the oppressed people, with whom he was connected by the ties of comradeship in war and of bitter hatred towards his rival, the celebrated general and leader of the party of the nobility, Marcus Furius Camillus. When a brave officer was about to be led away to a debtor's prison, Manlius interceded for him and released him with his own money; at the same time he offered his lands to sale, declaring loudly, that as long as he possessed a foot's breadth of land, such iniquities should not occur. This was more than enough to unite the whole government party, patricians as well as plebeians, against the dangerous innovator. His trial for high treason, and the charge of having meditated a renewal of the monarchy wrought, with the wicked charm which belongs to a stereotyped party-phraseology, on the blind multitude. They themselves condemned him to death, and his renown availed him nothing save that the people were assembled for the bloody assize at a spot, whence the voters could not see the rock of the citadel—the dumb monitor which might remind them how their fatherland had been saved from the extremity of danger by the hands of the very man whom they were now consigning to the executioner (370). 384.

While the attempts at reformation were thus prematurely strangled, the social disorders became still more crying; for on the one hand the domain-possessions were ever extending in consequence of successful wars, and on the other debt and impoverishment were ever spreading more widely among the farmers, particularly from the effects of the severe war with Veii (348–358) and of the burning of the capital in the Gallic invasion (364). It is true that, when in the Veientine war it became necessary to prolong the term of service of the soldiers, and to keep them under arms not (as hitherto at the utmost) only during summer, but also 406–396. 390.

throughout the winter, and when the farmers, foreseeing their complete financial ruin, were on the point of refusing their consent to the declaration of war, the senate resolved on an important concession. It charged the pay, which hitherto the tribes had defrayed by contribution, on the state chest, that is, on the produce of the indirect revenues
406. and the domains (348). It was only in the event of the state chest being at the moment empty that a general contribution (*tributum*) was imposed on account of the pay; which however was considered as a forced loan, and was afterwards repaid from the exchequer. The arrangement was equitable and wise; but as it was not placed upon the essential basis of turning the domains to a proper account for the benefit of the exchequer, there were added to the increased burden of service frequent contributions, which were none the less ruinous to the man of small means that they were officially regarded not as taxes but as advances.

Combination of the plebeian aristocracy and the farmers against the nobility.

Licinio-Sextian laws.

Under such circumstances, when the plebeian aristocracy saw itself practically excluded by the opposition of the nobility and the indifference of the commons from equality of political rights, and the suffering farmers were powerless as opposed to the close aristocracy, it was natural that they should help each other by a compromise. With this view the tribunes of the people, Gaius Licinius and Lucius Sextius, submitted to the commons proposals to the following effect: first, to abolish the consular tribunate and to lay it down as a rule that at least one of the consuls should be a plebeian; secondly, to open up to the plebeians admission to one of the three great colleges of priests—that of the custodiers of oracles whose number was to be increased to ten (*duoviri*, afterwards *decemviri sacris faciundis*, P. 187); thirdly, as respected the domains, to allow no burgess to maintain upon the common pasture more than a hundred oxen and five hundred sheep, or to hold more than five hundred jugera (about 300 acres) of the domain lands left free for occupation; fourthly, to oblige the landlords to employ in the labours of the field a number of free labourers proportioned to that of their rural slaves; and lastly, to procure alleviation for debtors by deduction of the interest which had been paid from the capital, and by the arrangement of set terms for the payment of arrears.

The tendency of these enactments is obvious. They were designed to deprive the nobles of their exclusive possession

of the curule magistracies and of the hereditary distinctions of nobility therewith associated; which, it was characteristically conceived, could only be accomplished by the legal exclusion of the nobles from the place of second consul. They were intended, moreover, to withdraw from the nobles the exclusive possession of spiritual dignities. In carrying out this purpose, from causes obvious enough the old Latin priesthoods of the augurs and pontifices were left to the old burgesses, but these were obliged to open up to the new burgesses the third great college, of more recent origin and belonging to a worship that was originally foreign. They were intended, in fine, to procure a share of the emoluments attached to citizenship for the poorer commons, alleviation for the suffering debtors, and employment for the day-labourers that were destitute of work. Abolition of privileges, social reform, civic equality—these were the three great ideas, of which it was the design of this movement to secure the recognition. Vainly the patricians exerted all the means at their command in opposition to these legislative proposals; even the dictatorship and the old military hero Camillus were able only to delay, not to prevent, their accomplishment. Willingly would the people have separated the proposals; of what moment to it were the consulate and the custody of oracles, if only the burden of debt was lightened and the public lands were free! But it was not for nothing that the plebeian nobility had adopted the popular cause; it included the proposals in one single project of law, and after a long—it is said an eleven years'—struggle they finally passed in the year 387.

367. Political abolition of the patriciate.

With the election of the first non-patrician consul—the choice fell on one of the authors of this reform, the late tribune of the people, Lucius Sextius Lateranus—the gentile aristocracy ceased both in fact and in law to be numbered among the political institutions of Rome. When, after the final passing of these laws, the former champion of the *gentes*, Marcus Furius Camillus, founded a sanctuary of Concord at the foot of the Capitol (upon an elevated platform, where the senate was wont frequently to meet, above the old meeting-place of the burgesses, the Comitium), we would gladly cherish the belief that he recognized in the legislation thus completed the close of a dissension only too long continued. The religious consecration of the new concord of the community was the last official act of the old

warrior and statesman, and a worthy termination of his long and glorious career. He was not wholly mistaken. The more discerning portion of the *gentes* evidently from this time forward looked upon their political exclusive privileges as lost, and were content to share the government with the plebeian aristocracy. In the majority, however, the patrician spirit proved true to its incorrigible character. On the strength of the privilege, which the champions of legitimacy have at all times arrogated, of obeying the laws only when these coincide with their party interests, the Roman nobles on various occasions ventured, in open violation of the stipulated arrangement, to nominate two patrician consuls. But, when by way of answer to an election of that sort for
343 the year 411 the community in the year following formally resolved to allow both consular positions to be filled by non-patricians, they understood the implied threat, and still perhaps wished, but never again ventured, to touch the second consular place.

Prætorship. In like manner the aristocracy simply injured itself by the attempt which it made, on the passing of the Licinio-Sextian laws, to save at least some remnant of its ancient privileges by means of a system of political clipping and paring. Under the pretext that the nobility were exclusively cognizant of law, the administration of justice was detached from the consulate when the latter had to be thrown open to the plebeians; and for that purpose there was nominated a third
Curule ædileship. consul, or, as he was commonly called, a prætor. In like manner the supervision of the market and the judicial police-duties connected with it, as well as the celebration of the city-festival, were assigned to the newly nominated ædiles, who (by way of distinction from the plebeian ædiles) were named from their standing jurisdiction "ædiles of the
Complete opening up of magistracies and priesthoods. judgment seat" (*ædiles curules*). But the curule ædileship became immediately so far accessible to the plebeians, that it was held by patricians and plebeians alternately. Moreover the dictatorship was thrown open to plebeians in
356. 398, as the mastership of the horse had already been in the
368. year before the Licinio-Sextian laws (386); both the censor-
351. 337. ships were thrown open in 403, and the prætorship in 417;
339. and about the same time (415) the nobility were by law excluded from one of the censorships, as they had previously been from one of the consulships. It was to no purpose that once more a patrician augur detected secret flaws,

hidden from the eyes of the uninitiated, in the election of a plebeian dictator (427), and that the patrician censor did not up to the close of our present period (474) permit his colleague to present the solemn sacrifice with which the census closed: such chicanery served merely to show the ill humour of patricianism. The right, in fine, of the patrician body to confirm or reject the decrees of the centuries—a right, however, which in all probability it rarely ventured to exercise—was so far withdrawn from it by the Publilian law of 415 and by the Mænian law which was not passed before the middle of the fifth century, that it had to confirm *beforehand* every resolution of the centuries, elections as well as laws; in this character, as a purely formal right, it still continued in the hands of the nobility down to the last age of the republic. 327. 280. 339.

The *gentes* retained, as may naturally be conceived, their religious privileges longer. Indeed, several of these, which were destitute of political importance, were never interfered with, such as their exclusive eligibility to the offices of the three supreme *flamines* and that of *rex sacrorum*, as well as to the membership of the two colleges of Salii. On the other hand the two colleges of Pontifices and of Augurs, with which the knowledge of law and a considerable influence over the comitia were associated, were too important to remain in the exclusive possession of the patricians. The Ogulnian law of 454 accordingly threw these also open to plebeians, by increasing the number of Pontifices from five to eight, and that of Augurs from six to nine, and equally distributing the stalls in the two colleges between patricians and plebeians. 300.

The later patricianism.

The struggle between the Roman *gentes* and commons was thus substantially at an end. While the nobility still preserved, of its comprehensive privileges, the one certainly important right of priority of suffrage in the *comitia centuriata*, and, partly perhaps in consequence of that right, the actual possession of one of the consulships and one of the censorships, it was expressly excluded by law from the tribunate, the plebeian ædileship, and the second consulship and censorship. As a righteous retribution for its perverse and stubborn resistance, the patriciate had seen its former privileges converted into so many disabilities. The Roman gentile nobility, however, by no means disappeared because it had become an empty name. The less the significance and power of the nobility, the more purely and

exclusively the patrician spirit developed itself. The genuine characteristic of patricianism—exclusiveness—was a thing foreign to the patriciate under the kings, and the admission of new *gentes* was no very rare occurrence: in the republican period such admissions ceased, and the practically (perhaps even legally) complete closing of the patrician ranks necessarily led in due time to the complete loss of their exclusive political position. The haughtiness of the "Ramnians" survived the last of their class-privileges for centuries; and in Rome the noble *gentes* of more recent origin felt themselves bound to make up by arrogance what they wanted in ancestry. Of all the Roman patrician clans none strove so steadfastly "to rescue the consulship from plebeian filth," and when at length they were convinced of the impossibility of such an achievement, none continued so rudely and spitefully to display their aristocratic spirit, as the Claudii; and this most zealous of all the patrician houses was recent as compared with those of the Valerii and the Quinctii, or even with the Fabian and Julian houses, being indeed, so far as we know, the youngest of all the patrician clans. To understand rightly the history of Rome in the fifth and sixth centuries, we must never overlook this sulking patricianism; it could indeed do little more than irritate itself and others, but this it did to the best of its ability. Some years after the
296. passing of the Ogulnian law (458) a characteristic instance of this sort occurred. A patrician matron, who was married to a leading plebeian that had attained to the highest dignities of the state, was on account of this misalliance expelled from the circle of noble dames, and refused admission to the common festival of Chastity; and in consequence of that exclusion separate patrician and plebeian goddesses of Chastity were thenceforward worshipped in Rome. Doubtless caprices of this sort were of very little moment, and the better disposed of the *gentes* kept themselves entirely aloof from this paltry policy of annoyance; but it left behind on both sides a feeling of dissatisfaction, and, while the struggle of the commons against the *gentes* was in itself a political and even moral necessity, these convulsive efforts to prolong the strife on the other hand,—the aimless combats as it were of the rear-guard, after the battle had been decided, as well as the empty squabbles as to rank and standing,—needlessly irritated and disturbed the public and private life of the Roman community.

Nevertheless one object of the compromise of 387, the abolition of the patriciate, had in all material points been completely attained. The questions next arise, how far the same can be affirmed of the two positive objects aimed at in the compromise?—whether the new order of things in reality checked social distress and established political equality? The two were intimately connected; for, if economic embarrassments ruined the middle class and broke up the burgesses into a wealthy minority and a suffering proletariate, such a state of things would at once annihilate civic equality, and practically destroy the republican commonwealth. The preservation and increase of the middle class, and in particular of the farmers, formed therefore for every patriotic statesman of Rome a problem not merely important, but the most important of all. The plebeians, moreover, recently called to take part in the government, greatly indebted as they were for their new political rights to the proletariate which was suffering and expecting help at their hands, were, politically and morally, under special obligation to attempt its relief by means of government measures, so far as relief was by such means at all attainable. The social distress, and the attempts to relieve it. [367.

Let us first consider how far any real relief was contained in that part of the legislation of 387 which bore upon the question. That the enactment in favour of the free day-labourers could not possibly accomplish its object, viz., to check the system of farming on a large scale and by means of slaves, and to secure to the free *proletarii* at least a share of labour, is self-evident. In this matter legislation could afford no relief, without shaking the foundations of the civil organization of the period in a way that would reach far beyond its immediate horizon. In the question of the domains, again, it was quite possible for legislation to effect a change; but what was done was manifestly inadequate. The new domain-arrangement, by granting the right of driving very considerable flocks and herds upon the public pastures, and that of occupying domain-land not laid out in pasture up to a maximum fixed on a high scale, conceded to the wealthy a very considerable, and perhaps already disproportionate, share in the produce of the domains; and by the latter regulation conferred upon the domain-tenure, although it remained in law liable to pay a tenth and revocable at pleasure, as well as upon the system of occupation itself, somewhat of a legal sanction. It was a cir- The Licinio-Sextian laws. [367.

cumstance still more suspicious, that the new legislation neither supplemented the existing and manifestly unsatisfactory provisions for the collection of the *scriptura* and the tenth by compulsory measures of a more effective kind, nor prescribed any thorough revision of the domain-possessions, nor appointed a magistracy charged with the carrying of the new laws into effect. The distribution of the existing occupied domain-lands partly among the holders up to a fair maximum, partly among the plebeians who had no property—in both cases in full ownership—the abolition in future of the system of occupation, and the institution of an authority empowered to make immediate distribution of any future acquisitions of territory, were so clearly demanded by the circumstances of the case, that it certainly was not through want of discernment that these comprehensive measures were neglected. We cannot fail to recollect that it was the plebeian aristocracy, in other words, a portion of the very class that was practically privileged in respect to the usufructs of the domains, that proposed the new arrangement, and that one of its very authors, Gaius Licinius Stolo was among the first condemned for having exceeded the agrarian maximum; and we cannot but ask whether the legislators dealt altogether honourably, and whether they did not on the contrary designedly evade a solution, really beneficial to the commons, of the unhappy question of the domains. We do not mean, however, to express any doubt that the regulations of the Licinio-Sextian laws, such as they were, might and did substantially benefit the petty farmer and the day-labourer. It must, moreover, be acknowledged that in the period immediately succeeding the passing of the law the authorities watched with at least comparative strictness over the observance of its rules as to the maximum, and frequently condemned the possessors of large herds and the occupiers of the domains to heavy fines.

Laws imposing taxes.

357.

In the system of taxation and of credit also, efforts were made with greater energy at this period than at any before or subsequent to it to repair the breaches of the national economy, so far as legal measures could do so. The duty levied in 397 of five per cent. on the value of slaves that were to be emancipated was (irrespective of the fact that it imposed a check on the undesirable multiplication of freedmen) the first tax in Rome that was really laid upon the rich. In like manner efforts were made to remedy the system

of credit. The usury laws, which the Twelve Tables had established (P. 291), were renewed and gradually rendered more stringent, so that the maximum of interest was successively lowered from 10 per cent. (enforced in 397) to 5 per cent. (in 407) for the year of twelve months, and at length (412) the taking of interest was altogether forbidden. The latter foolish law remained formally in force, but, of course, it was not practically operative; the standard rate of interest afterwards usual, viz. 1 per cent. per month, or 12 per cent. for the civil common year (which, according to the value of capital in antiquity, was probably at that time nearly the same as, according to its modern value, a rate of 5 or 6 per cent.), must have been already about this period established as the maximum of allowable interest. Legal demand for higher rates must have been prohibited, perhaps even judicial claims for repayment may have been allowed; moreover, notorious usurers were not unfrequently summoned before the bar of the people, and readily condemned by the tribes to heavy fines. Still more important was the alteration of the procedure in cases of debt by the Pœtelian law (428 or 441). On the one hand it allowed every debtor who declared on oath that he was worth as much as he owed to save his personal freedom by the cession of his property; on the other hand it abolished the former summary proceedings in execution on a loan-debt, and laid down the rule that no Roman burgess could be led away to bondage except upon the sentence of a jury. Laws of credit. 357. 347. 342. 326 or 313

It is plain that all these expedients might perhaps in some respects mitigate, but could not remove, the existing economic inequalities. The continuance of the distress is evinced by the appointment of a bank-commission to regulate the relations of credit and to provide advances from the state-chest in 402, by the legal enactment of term-payments in 407, and above all by the dangerous popular insurrection of 467, when the people, unable to come to terms with the opposite party as to new facilities for the payment of debts, marched out to the Janiculum, and it was only a seasonable attack by the external enemies of the state that restored peace. It is, however, very unjust to reproach these earnest attempts to check the impoverishment of the middle class with their inadequacy. The belief that it is useless to employ partial and palliative means against radical evils, because they only remedy them in part, is an article of faith never Continued distress. 352. 347. 287.

preached unsuccessfully by meanness to simplicity, but it is none the less absurd. On the contrary, we may ask whether the vile spirit of demagogism had not even thus early laid hold of the question, and whether expedients were really needed so violent and dangerous as the deduction of the amount of interest paid from the capital. Our documents do not enable us to decide the question of right or wrong in the case. But we recognize clearly enough that the middle class of freeholders still continued economically in a perilous and critical position; that various endeavours were made in high quarters to remedy it by prohibitory laws and by respites, but of course in vain; and that the aristocratic ruling class continued to be too weak in point of control over its members, and too much entangled in the selfish interests of its order, to relieve the middle class by the only effectual means at the disposal of the government—the entire and unreserved abolition of the system of occupying the state lands—and by that course to free the government from the reproach of turning to its own advantage the affliction of the governed.

Influence of the extension of the Roman dominion in elevating the farmer-class.

A more effectual relief than any which the government was willing or able to give, was derived by the middle classes from the political successes of the Roman commons, and the gradual consolidation of the Roman sovereignty over Italy. The numerous and large colonies which it was necessary to found for the securing of that sovereignty, the greater part of which were sent forth in the fifth century, furnished a portion of the agricultural proletariate with farms of their own, while the efflux gave relief to such as remained at home. The increase of the indirect and extraordinary sources of revenue, and the flourishing condition of the Roman finances in general, rendered it but seldom necessary to levy any contribution from the farmers in the form of a forced loan. While the former small holdings were probably lost beyond recovery, the rising average of Roman prosperity must have converted the *quondam* larger landholders into farmers, and in so far added new members to the middle class. The upper classes sought principally to secure the large newly acquired districts for occupation; the mass of wealth which flowed to Rome through war and commerce must have reduced the rate of interest; the increase in the population of the capital benefited the farmer throughout Latium; a wise system of incorporation united

a number of neighbouring and formerly subject communities with the Roman state, and thereby strengthened especially the middle class; finally, glorious victories and their mighty results silenced faction. If the distress of the farmers was by no means removed, and still less its sources stopped, it yet admits of no doubt that at the close of this period the Roman middle class was on the whole in a far less oppressed condition than in the first century after the expulsion of the kings.

Lastly civic equality was in a certain sense undoubtedly attained or rather restored by the reform of 387, and the development of its legitimate consequences. As formerly, when the patricians still in fact formed the burgesses, these had stood upon a footing of absolute equality in rights and duties, so now in the enlarged burgess-body there existed in the eye of the law no arbitrary distinctions. The gradations to which differences of age, sagacity, cultivation, and wealth necessarily give rise in civil society, naturally also pervaded the sphere of public life; but the spirit animating the burgesses and the policy of the government uniformly operated so as to render these differences as little conspicuous as possible. The whole system of Rome tended to train up her burgesses to an average character of ability, but not to bring into prominence the gifts of genius. The growth of culture among the Romans did not at all keep pace with the development of the community's resources, and it was instinctively repressed rather than promoted by those in power. That there should be rich and poor could not be prevented; but (as in a genuine community of farmers) the farmer as well as the day-labourer personally guided the plough, and to the rich as well as the poor the good economic rule applied that they should live with uniform frugality, and above all should hoard no unproductive capital at home—excepting the salt-cellar and the sacrificial ladle, no silver articles were at this period seen in any Roman house. Nor was this of little moment. The mighty successes which the Roman community externally achieved in the century from the last Veientine down to the Pyrrhic war, exhibit constant traces of the fact, that in Rome the patriciate had been superseded by the commons. The fall of the highborn Fabius would not have been more lamented by the whole community than the fall of the plebeian Decius was lamented alike by patricians and plebeians; the consulate was not the natural appanage even

Civic equality.

of the wealthiest aristocrat; and a poor husbandman from Sabina, Manius Curius, could conquer King Pyrrhus in the field of battle and chase him out of Italy, without ceasing to be a simple Sabine farmer and to cultivate in person the grain which gave him bread.

New aristocracy.

In regard however to this imposing republican equality, we must not overlook the fact that it was to a considerable extent only formal, and that an aristocracy of a very decided stamp grew out of it, or rather was contained in it from the very first. The wealthy and considerable non-patrician families had long ago separated from the plebs, and leagued themselves with the patriciate in the participation of senatorial rights and in the prosecution of a policy distinct from that of the plebs, and very often counteracting it. The Licinio-Sextian laws abrogated legal distinctions within the ranks of the aristocracy, and changed the character of the barrier which excluded the plebeian from the government, so that it was no longer an obstacle insurmountable in law, but a hindrance difficult to be surmounted in practice. In both ways fresh blood was mingled with the ruling order in Rome; but in itself the government still remained aristocratic. In this respect too the Roman community was a genuine farmer-commonwealth, in which the rich holder of a whole hide is little distinguished externally from the poor cottager and holds intercourse with him on equal terms, but aristocracy nevertheless exercises so all-powerful a sway that a man without substance sooner rises to be master of the burgesses in the city than mayor in his own village. It was a very great and valuable gain that under the new legislation even the poorest burgess might fill the highest office of the state; nevertheless it was a rare exception when a man from the lower ranks of the population reached such a position,* and not only so, but probably it was, at least towards the close of this period, possible only by means of an election carried by the opposition.

* The statements as to the poverty of the consulars of this period, which play so great a part in the moral anecdote-books of a later age, mainly rest on a misunderstanding on the one hand of the old frugal economy—which might very well consist with considerable prosperity—and on the other hand of the beautiful old custom of defraying the burial of men who had deserved well of the State by means of penny collections—which was far from being a pauper interment. The method also of explaining surnames by etymological guesswork, which has imported so many absurdities into Roman history, has furnished its quota to this belief (*Serranus*).

Every aristocratic government of itself calls forth a corresponding opposition party; and as the formal equalization of the orders only modified the aristocracy, and the new ruling order not only succeeded the old patriciate but engrafted itself on it and intimately coalesced with it, the opposition also continued to exist and in all respects pursued a similar course. As it was now no longer the plebeians as such, but the common people, that were treated as inferior, the new opposition professed from the first to be the representative of the lower classes, and particularly the small farmers; and as the new aristocracy attached itself to the patriciate, so the first movements of the new opposition were entwined, with the final struggles against the privileges of the patricians. The first names in the series of these new popular leaders were Manius Curius (consul 464, 479, 480; censor 482) and Gaius Fabricius (consul 472, 476; censor 479), both men without ancestral lineage and without wealth —both summoned (in opposition to the aristocratic principle of restricting re-election to the highest office of the state) several times by the votes of the burgesses to the chief magistracy—both, as tribunes, consuls, and censors, opponents of patrician privileges and defenders of the small farmer class against the incipient arrogance of the noble houses. The future parties were already marked out; but the interests of party were still suspended on both sides in presence of the interests of the commonweal. It was the leaders of the two parties and the most vehement in their personal antagonism, Appius Claudius and Manius Curius, who jointly by wise counsel and vigorous action conquered King Pyrrhus; and while Gaius Fabricius, as censor, inflicted penalties on Publius Cornelius Rufinus for his aristocratic sentiments and aristocratic habits, this did not prevent him from supporting the claim of Rufinus to a second consulate on account of his recognized ability as a general. The breach was already formed; but the adversaries still shook hands across it. New opposition. 290. 275. 274. 272. 282. 278. 275.

The termination of the struggles between the old and new burgesses, the various and comparatively successful endeavours to relieve the middle class, and the germs (already making their appearance amidst the newly acquired civic equality) of the formation of a new aristocratic and a new democratic party, have thus been passed in review. It remains that we describe the shape which the new govern- The new government.

ment assumed amidst these changes, and the positions in which, after the political abolition of the nobility, the three elements of the republican commonwealth, the burgesses, the magistrates, and the senate stood towards each other.

The burgess body.

The burgesses in their ordinary assemblies continued as hitherto to be the highest authority in the commonwealth and the legal sovereign. Only it was settled by law that,

Its composition.

apart from matters committed once for all to the decision of the centuries, such as the election of consuls and censors, voting by tribes should be as valid as voting by centuries—a change enacted, it is alleged, by the Valerian

449. 339. law of 305, certainly by the Publilian of 415 and the Hor-

287. tensian of 467. This was no radical innovation, because it was the same individuals, on the whole, who were entitled to vote in both assemblies; but we must not overlook the fact that in the *comitia tributa* all entitled to vote were on a footing of equality, while in the *comitia centuriata* the working of the suffrage was graduated with reference to the means of the voters, and in so far, therefore, the change was certainly a levelling and democratic innovation. It was a circumstance of far greater importance that, towards the end of this period, the primitive basis of the right of suffrage, the possession of a freehold tenure, began for the first time to be infringed. Appius Claudius, the boldest in-

312. novator known in Roman history, in his censorship in 442, without consulting the senate or people, so adjusted the burgess-roll that a man who had no land was received into whatever tribe he chose, and then according to his means into the corresponding century. But this alteration was too far in advance of the spirit of the age to obtain full acceptance. One of the immediate successors of Appius, Quintus Fabius Rullianus, the famous conqueror of the Samnites,

304. undertook in his censorship of 450 not to set it aside entirely, but to confine it within such limits, that the real power in the burgess assemblies should continue to be vested in the holders of land and of wealth. He incorporated all who had no land, and also those freedmen possessed of land whose property was valued at less than 30,000 sesterces (£306), in the four city tribes, which were now made to take rank not as first but as last. The rural tribes, on the other hand, the number of which gradually

387. 241. increased between 367 and 513 from seventeen to thirty-one (and so formed a majority, greatly preponderating

from the first and ever increasing in preponderance, of the voting-divisions), were reserved by law for the whole of the freeborn burgesses who were freeholders, as well as for the freedmen who held land exceeding the above-mentioned limit. In the centuries the equalization of the freeholders and non-freeholders who were of free birth remained as Appius had introduced it; on the other hand, freedmen, who had not been admitted into the rural tribes, were deprived of the suffrage. In this manner provision was made for the preponderance of the freeholders in the *comitia tributa*, while in the *comitia centuriata* (in which, from the decided preference given to the wealthy, fewer measures of precaution sufficed) the freedmen could at least do no harm. By this wise and moderate arrangement—effected by a man, who for his warlike feats, and still more for this peaceful achievement, justly received the surname of the Great (*Maximus*)—the obligation of bearing arms was extended, as was fitting, to the non-freehold burgesses, while a check was imposed on the increasing power of the class who had once been slaves—a check which is unfortunately, in a state sanctioning slavery, an indispensable necessity. A peculiar moral jurisdiction, moreover, which gradually came to be associated with the census and the making-up of the burgess-roll, excluded from the civic body all individuals notoriously unworthy, and guarded the full moral and political purity of citizenship.

Increasing powers of the burgesses.

The powers of the comitia exhibited during this period a tendency to enlarge their range, but in a manner very gradual. The increase in the number of magistrates to be elected by the people falls, to some extent, under this head; it is an especially significant fact that from 392 the military tribunes of one legion, and from 443 four tribunes in each of the first four legions respectively, were nominated no longer by the general, but by the burgesses. During this period the burgesses did not on the whole interfere in administration; only their right of declaring war was, as was reasonable, emphatically asserted, and held to extend also to cases, where a prolonged armistice concluded instead of a peace expired, and what was not in law but in fact a new war began (327). In other instances a question of administration was only submitted to the people when the governing authorities came into collision and one of them referred the matter to the people, or when in difficult

362.

311.

427.

or invidious questions the government voluntarily left the decision in the people's hands. Such collisions occurred for instance when the leaders of the popular party among the
449. nobility, Lucius Valerius and Marcus Horatius, in 305, and
356. the first plebeian dictator, Gaius Marcius Rutilus, in 398, were not accorded by the senate the triumphs they had
295. earned; when the consuls of 459 could not agree as to their respective provinces of jurisdiction; and when the senate,
390. in 364, resolved to give up an ambassador who had forgotten his duty to the Gauls, and a consular tribune carried the matter to the community. This was the first occasion on which a decree of the senate was annulled by the people; and heavily the community atoned for it. Instances of the decision being voluntarily left to the people occurred when Cære sued for peace, after the people had declared war against it but before war had actually begun
353. (401), whereupon the senate hesitated to leave the resolution of the people unexecuted without their formal consent; and at a subsequent period, when the senate wished to reject the humble entreaty of the Samnites for peace, but shunning the odious task of declaring their wish,
318. devolved it on the people (436). It is not till towards the close of this epoch that we find a considerable extension of the powers of the *comitia tributa* over affairs of administration, particularly through the practice of consulting it as to the conclusion of peace and of alliances: this extension pro-
287. bably dates from the Hortensian law of 467.

Decreasing importance of the burgess body.

Notwithstanding, however, these enlargements of the powers of the popular assemblies, their practical influence on state affairs began, particularly towards the close of this period, to wane. Above all, the extension of the bounds of Rome deprived her collective assemblies of their original significance. An assembly of persons resident within the original territory of the city might very well meet in sufficiently full numbers, and might very well know its own mind, even without discussion; but the Roman burgess body had become less a city than a state. No doubt, in so far as the incorporated townships were associated together in rural tribes (in the Papirian tribe, for instance, the votes of the Tusculans were substantially decisive), the municipal sentiment, at all times so lively in Italy, pervaded also the Roman *comitia*, and introduced into them, at least when voting by tribes, a sort of inward connection and a

special *esprit de corps*—which accordingly gave rise to animosities and rivalries of all sorts. In this way, on extraordinary occasions, energy and independence were certainly infused into the voting; but under ordinary circumstances the composition of the *comitia* and their decision were left dependent on the person who presided or on accident, or were committed to the hands of the burgesses domiciled in the capital. It is, therefore, easy to understand how the assemblies of the burgesses, which had great practical importance during the first two centuries of the republic, gradually became a mere instrument in the hands of the presiding magistrates—a very dangerous instrument, however, because the magistrates called to preside were so numerous, and every resolution of the community was regarded as the ultimate legal expression of the will of the people. But the enlargement of the constitutional rights of the burgesses was not for the present of much moment, because practically they were less than ever capable of a will and action of their own, and because there was as yet no demagogism, in the proper sense of that term, in Rome. Had any such demagogic spirit existed, it would have attempted not to extend the powers of the burgesses, but to remove the fetters laid on political discussion in the *comitia*; whereas throughout this whole period there was undeviating acquiescence in the old maxims, that the magistrate alone could convoke the burgesses, and that he was entitled to exclude all discussion and all proposal of amendments. At the time, this incipient breaking up of the constitution made itself felt chiefly in the circumstance that the primary assemblies assumed an essentially passive attitude, and did not on the whole interfere in government either to help or to hinder it.

The magistrates. Subdivision and weakening of the consular powers.

As regards the power of the magistrates, its diminution, although not the direct design of the struggles between the old and new burgesses, was perhaps one of their most important results. At the beginning of the struggle between the orders, or in other words, of the strife for the possession of the consular power, the consulate was still the one and indivisible, essentially regal, magistracy; and the consul, like the king in former times, still had the appointment of all subordinate functionaries left to his own free choice. At the termination of that contest, its most important functions, jurisdiction, street-police, election of senators and

equites, the census and financial administration, were separated from the consulship, and transferred to magistrates who, like the consul, were nominated by the community, and occupied a position co-ordinate with him rather than subordinate. The consulate, formerly the single ordinary magistracy of the state, was no longer even absolutely the first. In the new arrangement as to the ranking and usual order of succession of the different offices the consulate stood indeed above the prætorship, ædileship, and quæstorship, but beneath the censorship, which (besides the most important financial duties) was charged with the adjustment of the rolls of burgesses, equites, and senators, and along with this wielded a wholly arbitrary moral control over the entire community and every individual burgess, the humblest as well as the most distinguished. The conception of limited magisterial power or special competency, which seemed to the older Roman constitutional law irreconcilable with the conception of superior office, gradually gained a footing, and mutilated and destroyed the earlier idea of the one and indivisible *imperium*. A first step was already taken in this direction by the institution of standing subordinate offices, particularly the quæstorship (P. 260); it was completely
367. carried out by the Licinio-Sextian laws (387), which prescribed the functions of the three supreme magistrates, and assigned administration and the conduct of war to the two first, and the management of justice to the third. But the change did not stop here. The consuls, although they were in law wholly and everywhere co-ordinate, naturally from the earliest times divided between them in practice the different spheres of duty (*provinciæ*). Originally this was done simply by mutual concert, or in default of it by casting lots; but by degrees the other constituent authorities in the commonwealth interfered with this practical definition of provinces. It was usual for the senate to define annually the provinces; and, while it did not directly distribute them among the co-ordinate magistrates, it exercised decided influence on the personal distribution by advice and request. In an extreme case the senate probably obtained a decree of the community, definitively to settle the question of distribution (P. 318); the government, however, very seldom employed this dangerous expedient. Again, the most important affairs, such as the concluding of peace, were withdrawn from the consuls, and they were in such matters

obliged to have recourse to the senate, and to act according to its instructions. Lastly, in cases of extremity the senate could at any time suspend the consuls from office; for, according to an usage never established in law but never violated in practice, the creation of a dictatorship depended simply upon the resolution of the senate, and the fixing of the person to be nominated, although constitutionally vested in the nominating consul, really under ordinary circumstances lay with the senate.

Limitation of the dictatorship.

The old unity and plenary power of the *imperium* were retained longer in the case of the dictatorship than in that of the consulship. Although of course as an extraordinary office it had practically from the first its special province, it had in law much less of a special character than the consulate. However, it also was gradually affected by the new ideas as to definite powers and functions, introduced into the legal life of Rome. In 391 we first meet with a dictator 363.
expressly nominated from theological scruples for the mere accomplishment of a religious ceremony; and though that dictator himself, acting doubtless in formal accordance with the constitution, treated the restriction of his powers as null, and took the command of the army in spite of it, such an opposition on the part of the magistrate was not repeated on occasion of the subsequent similarly restricted nominations, which occurred in 403 and thenceforward very fre- 351.
quently. On the contrary, the dictators thenceforth regarded themselves as bound by their powers as specially defined.

Restrictions as to the accumulation and the reoccupation of offices.

Lastly further restrictions of the magistracy, to a very sensible extent, were involved in the prohibition issued in [342.
412 against the accumulation of the ordinary curule offices, and in the enactment of the same date, that the same person should not again administer the same office, under ordinary circumstances, before an interval of ten years had elapsed, as well as in the subsequent regulation that the office which practically was the highest, the censorship, should not be held a second time at all (489). But the government was 265.
still strong enough not to be afraid of its instruments, or to desist purposely on that account from employing those who were the most serviceable. Brave officers were very frequently released from these rules,* and cases still occurred,

* Any one who compares the consular Fasti before and after 412, will have no doubt as to the existence of the above-mentioned law respecting re-election to the consulate; for, while before that year a return to office, especially after 342.

like those of Quintus Fabius Rullianus, who was five times consul in eight-and-twenty years, and of Marcus Valerius
370–271. Corvus (384–483) who, after he had filled six consulships, the first in his twenty-third, the last in his seventy-second year, and had been throughout three generations the protector of his countrymen and the terror of the foe, descended to the grave at the age of a hundred.

The tribunate of the people as an instrument of government.

While the Roman magistrate was thus more and more completely and definitely transformed from the absolute lord into the limited commissioner and administrator of the community, the old counter-magistracy, the tribunate of the plebs, was undergoing at the same time a similar transformation, internal rather than external. It served a double purpose in the commonwealth. It had been from the beginning intended to protect the humble and the weak by a somewhat revolutionary remedy (*auxilium*) against the overbearing violence of the magistrates; it had subsequently been employed to get rid of the legal disabilities of the commons and the privileges of the gentile nobility. The latter end was attained. The original object was not only in itself a democratic ideal rather than a political possibility, but it was also quite as obnoxious to the plebeian aristocracy into whose hands the tribunate necessarily fell, and quite as incompatible with the new organization (which originated in the equalization of the orders and had if possible a still more decided aristocratic hue than that which preceded it), as it was obnoxious to the gentile nobility and incompatible with the patrician consular constitution. But instead of abolishing the tribunate, they preferred to convert it from a weapon of opposition into an instrument of government, and now introduced the tribunes of the people, who were originally excluded from all share in administration and were neither magistrates nor members of the senate, into

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three or four years, was a common occurrence, after it intervals of ten years and more were as frequent. Exceptions, however, occur in very great numbers,
320–311. particularly during the severe years of war 434–443. On the other hand, the principle of not allowing a plurality of offices was strictly adhered to. There is no certain instance of the combination of two of the three ordinary curule (Liv. xxxix. 39, 4) offices (the consulate, prætorship, and curule ædileship), but instances occur of other combinations, such as of the curule ædileship and the office of Master of the Horse (Liv. xxiii. 24, 30); of the prætorship and censorship (*Fast. Cap. a.* 501); of the prætorship and the dictatorship (Div. viii. 12); of the consulate and the dictatorship (Liv. viii. 12).

the class of governing authorities. While in jurisdiction they were from the beginning on a footing of equality with the consuls, and in the early stages of the conflicts between the orders acquired like the consuls the right of initiating legislation, they now received (we know not exactly when, but probably at or soon after the final equalization of the orders) a position of equality with the consuls as regarded the practical governing authority, the senate. Hitherto when present at the proceedings of the senate, they sat on a bench at the door; now they obtained, like the other magistrates and by their side, a place in the senate itself, and the right to interpose their word in its proceedings. If they were precluded from the right of voting, it was simply in virtue of the general principle of Roman state-law, that those only should give counsel who were not called to act; in accordance with which the whole of the executive magistrates possessed during their year of office only a seat, not a vote, in the council of the state (P. 266). But concession did not rest here. The tribunes received the distinctive prerogative of supreme magistracy, which, among the ordinary magistrates, belonged only to the consuls and prætors besides—the right of convoking the senate, of consulting it, and of procuring decrees from it.* This was only as it should be; it was fitting that the heads of the plebeian aristocracy should be placed on an equality with those of the patrician aristocracy in the senate, when once the government had passed from the gentile nobility to the united aristocracy. But now, when this opposition college, originally excluded from all share in the public administration, became (particularly with reference to strictly urban affairs) a second supreme executive and one of the most usual and most serviceable instruments of the government, or in other words of the senate, for managing the burgesses and especially for checking the excesses of the magistrates, it was virtually, as respected its original character, absorbed and politically annihilated. This course nevertheless was really enjoined by necessity. Clearly as the defects of the Roman aristocracy were apparent, and decidedly as the steady growth of aristocratic ascendancy connects itself with the practical abolition of the tribunate, we cannot fail to see that no government was possible with an authority which

* Hence despatches intended for the senate were addressed to Consuls, Prætors, Tribunes of the Plebs, and Senate (Cicero, *ad Fam.* xv. 2, *eb al.*)

was not only aimless and calculated merely to hold forth to the suffering proletariate a deceitful prospect of relief, but was at the same time decidedly revolutionary and possessed of an absolutely anarchical power of obstruction to the authority of the magistrates and even of the state itself. But that faith in an ideal, which is the foundation of all the power and of all the impotence of democracy, had come to be closely associated in the minds of the Romans with the tribunate of the commons; and we do not need to recall the case of Cola Rienzi in order to perceive that, however unsubstantial might be the advantage thence arising to the multitude, it could not be abolished without a formidable convulsion of the state. Accordingly, with the genuine political dexterity of republicans, they contented themselves with reducing it to a nullity under a form that should give as little offence as possible. The mere name of this essentially revolutionary magistracy was still preserved in the aristocratically governed commonwealth—an incongruity for the present, and for the future a sharp and dangerous weapon in the hands of a coming revolutionary party. For the moment, however, and for a long time to come, the aristocracy was so absolutely powerful and so completely possessed control over the tribunate, that no trace is to be met with of an opposition on the part of the tribunes as a body to the senate; and the government overcame the forlorn attempts at opposition, that now and then proceeded from independent tribunes, always without difficulty, and ordinarily by means of the tribunate itself.

The senate. Its composition.

In reality it was the senate that governed the commonwealth, and that almost without opposition after the equalization of the orders. Its very composition had undergone a change. The right of the supreme magistrate to elect to the senate and remove from it at his pleasure was probably never exercised at all, or never at least subsequently to the abolition of the monarchy, in its full legal strictness. It probably became early the custom that senators should be deprived of their places in the senate only when the revision of the public lists took place, every fourth and subsequently every fifth year. As a further step towards the emancipation of the senate from the power of the magistrates, the preparation of these lists was transferred from the supreme magistrates to subordinate functionaries, from the consuls to the censors. The right of the magistrate to constitute

the senate according to his judgment was still more decidedly restricted by the Ovinian law, which appears to have been carried, probably about the middle of this period, soon after the Licinio-Sextian laws. That law at once conferred a seat and vote in the senate provisionally on every one who had been curule ædile, prætor, or consul, and bound the next censors either formally to inscribe these expectants in the senatorial roll, or at any rate only to exclude them from the roll for such reasons as sufficed for the rejection of an actual senator. The number of those, however, who had been magistrates, was far from sufficing to keep the senate up to the normal number of three hundred; and below that point it could not be allowed to fall, especially as the list of senators was at the same time that of jurymen. Considerable room was thus always left for the exercise of the censorial right of election; but those senators who were chosen not in consequence of having held office, but by selection on the part of the censor (*senatores pedarii*)—frequently burgesses who had filled a non-curule public office, or distinguished themselves by personal valour, who had killed an enemy in battle, or saved the life of a burgess—took part in voting, but not in debate. The main body of the senate, and that portion of it in whose hands government and administration were concentrated, was thus according to the Ovinian law substantially constituted no longer by the arbitrary will of a magistrate, but by indirect popular election. The Roman state in this way made some approach to, although it did not reach, the great institution of modern times, representative popular government, while the body of non-debating senators furnished—what it is so necessary and yet so difficult to get in governing corporations,—a compact mass of members capable of forming and entitled to pronounce an opinion but voting in silence.

Powers of the senate.

The jurisdiction of the senate underwent scarcely any change in form. The senate carefully avoided giving a handle to opposition or to ambition by unpopular changes or manifest violations of the constitution; it permitted, though it did not promote, the enlargement in a democratic direction of the power of the burgesses. But while the burgesses acquired the semblance, the senate acquired the substance of power—a decisive influence over legislation and official elections, and the whole control of the state.

Every new project of law was subjected to a preliminary

Its influence on legislation.

deliberation in the senate, and scarcely ever did a magistrate venture to lay a proposal before the community without or in opposition to the senate's opinion. If he did so, the senate had, in the intercessory powers of the magistrates and the annulling powers of the priests, an ample set of expedients at hand to extinguish in the bud or subsequently to get rid of obnoxious proposals; and in an extreme case it had in its hands as the supreme administrative authority not only the executing, but the power of refusing to execute, the community's decrees. The senate further, with tacit consent of the community, claimed the right in urgent cases of absolving from the laws, under the reservation that the community should ratify the proceeding —a reservation which from the first was of little moment, and became by degrees so entirely a form that in later times they did not even take the trouble to propose the ratifying decree.

Influence on elections.

As to the elections, they passed, so far as they depended on the magistrates and were of political importance, practically into the hands of the senate. In this way it acquired, as has been mentioned already, the right to appoint the dictator. Greater regard had certainly to be shown to the community; the right of conferring public offices could not be withdrawn from it; but, as has likewise been already observed, care was taken that this election of magistrates should not be construed into the conferring of definite functions, such as those in particular of commander in chief when war was imminent. Moreover the newly introduced idea of special provinces on the one hand, and on the other the right practically conceded to the senate of dispensation from the laws, gave to the senate a considerable power in regard to official appointments. Of the influence which the senate exercised in settling the provinces, of the consuls in particular, we have already spoken. One of the most important applications of the dispensing right was the dispensation of the magistrate from the legal term of his tenure of office—a dispensation which, as contrary to the fundamental laws of the community, might not, according to Roman state-law, be granted in the precincts of the city proper, but beyond these was at least so far valid that the consul or prætor, whose term was prolonged, continued after its expiry to discharge their functions "in a consul's or prætor's stead" (*pro consule, pro prætore*). Of course this important right of extend-

ing the term of office—essentially similar to the right of nomination—belonged wholly in law, and at the beginning also in fact, to the community; but in 447, and regularly thenceforward, the command of the commander in chief was prolonged by the simple decree of the senate. To this was added, in fine, the preponderant and skilfully concerted influence of the aristocracy over the elections, which guided them under ordinary circumstances, although not always, to the choice of candidates agreeable to the government. 307.

Senatorial government.

Finally as regards administration, war, peace and alliances, the founding of colonies, the assignation of lands, building, in fact every matter of permanent and general importance, and particularly the whole system of finance, depended absolutely on the senate. It was the senate which annually issued general instructions to the magistrates, settling their official provinces, and limiting the troops and moneys to be placed at the disposal of each; and recourse was had to its counsel in every case of importance. With the exception of the consul, the keepers of the state chest could make no payment to any official or private person unless authorized by a previous decree of the senate. In the management, however, of current affairs, and in the details of judicial and military administration, the supreme governing corporation did not interfere; the Roman aristocracy had too much political discernment and tact to desire to convert the control of the commonwealth into a guardianship of the individual official, or to turn the instrument into a machine. That this new government of the senate, with all its retention of existing forms, involved a complete revolutionizing of the old commonwealth, is clear. That the free action of the burgesses should be arrested and benumbed, that the magistrates should be reduced into the presidents of its sittings and its executive commissioners, that a corporation solely meant to tender advice should seize the inheritance of the two authorities sanctioned by the constitution, and should become, although under very modest forms, the central government of the state—these were steps of revolution and usurpation. Nevertheless as any revolution or any usurpation is justified before the bar of history by exclusive ability to govern, even its rigorous judgment must acknowledge that that corporation duly comprehended and worthily fulfilled its great task. Called to power not through the empty accident of birth, but substantially through the free choice of the

nation; confirmed every five years by the stern moral judgment of the worthiest men; holding office for life, and so not dependent on the expiration of its commission or on the varying opinion of the people; having its ranks close and united ever after the equalization of the orders; embracing in it all that the people possessed of political intelligence and practical statesmanship; absolutely disposing of all financial questions and controlling foreign policy; having complete power over the executive by virtue of its brief duration and of the tribunician intercession which was at the service of the senate after the termination of the quarrels between the orders—the Roman senate was the noblest embodiment of the nation, and in consistency and political sagacity, in unanimity and patriotism, in grasp of power and unwavering courage, the foremost political corporation of all times —an "assembly of kings," which well knew how to combine despotic energy with republican self-devotedness. Never was a state represented in its external relations more firmly and worthily than Rome in its best times by its senate. In matters of internal administration it certainly cannot be concealed that the moneyed and landed aristocracy, which was especially represented in the senate, acted partially in affairs that bore upon its peculiar interests, and that the sagacity and energy of the body were often in such cases employed far from beneficially to the state. Nevertheless the great principle established amidst severe conflicts, that all Roman burgesses were equal in the eye of the law as respected rights and duties, and the opening up of a political career (or in other words, of admission to the senate) to every one, which was the result of that principle, concurred with the brilliance of their military and political successes in preserving the harmony of the state and of the nation, and relieved the distinction of classes from that bitterness and malignity which marked the struggle of the patricians and plebeians. And, as the fortunate turn taken by external politics had the effect of giving the rich for more than a century ample space for themselves, and rendered it unnecessary that they should oppress the middle class, the Roman people was enabled by means of its senate to carry out, for a longer term than is usually granted to a people, the grandest of all human undertakings, the task of a wise and happy self-government.

CHAPTER IV.

FALL OF THE ETRUSCAN POWER. THE CELTS.

In the previous chapters we have presented an outline of the development of the Roman constitution during the first two centuries of the republic; we now recur to the commencement of that epoch, for the purpose of tracing the external history of Rome and of Italy. About the time of the expulsion of the Tarquins from Rome the Etruscan power had reached its height. The Tuscans, and the Carthaginians who were in close alliance with them, possessed undisputed supremacy in the Tyrrhene Sea. Although Massilia, amidst continual and severe struggles, maintained her independence, the sea-ports of Campania and of the Volscian land, and, after the battle of Alalia, Corsica also (P. 153), were in the possession of the Etruscans. In Sardinia, the sons of the Carthaginian general, Mago, laid the foundation of the greatness both of their house and of their city, by the complete conquest of the island (about 260); and in Sicily, while the Hellenic colonies were occupied with their internal feuds, the Phœnicians retained their hold on the western half without meeting with effectual opposition. The vessels of the Etruscans were no less dominant in the Adriatic; and their pirates were dreaded even in the more eastern waters. Etrusco-Carthaginian maritime supremacy. 494.

By land also their power seemed to be on the increase. To acquire possession of Latium was an object of most decisive importance to Etruria, which was separated by the Latins alone from the Volscian towns which were dependent on it, and from its possessions in Campania. Hitherto the firm bulwark of the Roman power had sufficiently protected Subjugation of Latium by Etruria.

Latium, and had successfully maintained against Etruria the frontier line of the Tiber. But now, when the whole Tuscan league, taking advantage of the confusion and the weakness of the Roman state after the expulsion of the Tarquins, renewed its attack more energetically than before, under Larth Porsena, king of Clusium, it no longer encountered the wonted resistance. Rome surrendered, and in the peace
507. (assigned to 247) not only ceded all her possessions on the right bank of the Tiber to the adjacent Tuscan communities, and thus abandoned her exclusive command of the river, but also delivered to the conqueror all her weapons of war, and promised to make use of iron thenceforth only for the ploughshare. It seemed as if an union of Italy under Tuscan supremacy was not far distant.

Etruscans driven back from Latium.

But the subjugation, with which the coalition of the Etruscan and Carthaginian nations had threatened both Greeks and Italians, was fortunately averted by a close alliance of peoples drawn towards each other by family affinity as well as by common peril. The Etruscan army, which after the fall of Rome had penetrated into Latium, had its victorious career checked in the first instance before the walls of Aricia by the well-timed intervention of the Cumæans, who had hastened to the succour of the be-
506. leaguered town (248). We know not how the war ended, nor, in particular, whether Rome at this time broke the ruinous and disgraceful peace. This much only is certain, that on this occasion also the Tuscans were unable to maintain their ground permanently on the left bank of the Tiber.

Fall of the Etrusco-Carthaginian maritime supremacy.

But the Hellenic nation was soon forced to engage in a more comprehensive and more decisive conflict with the barbarians, both of the West and of the East. It was about the time of the Persian wars. The relation in which the Tyrians stood to the great king led Carthage also to follow in the wake of Persian policy (there exists a credible tradition even as to an alliance between the Carthaginians and Xerxes), and, along with the Carthaginians, the Etruscans. One of the grandest of political combinations simultaneously directed the Asiatic hosts against Greece, and the Punic hosts against Sicily, to extirpate at a blow liberty and civilization from the face of the earth. The victory remained with the Hellenes. The battle of Salamis (274 U. C.) saved and avenged Hellas proper; and on the same day (so runs the story) the rulers of Syracuse and Agrigentum, Gelon and

Victories of Salamis and Himera, and [480. their effects.

Theron, vanquished the immense army of the Carthaginian general Hamilcar, son of Mago, at Himera so completely, that the war was thereby terminated, and the Phœnicians, who by no means cherished at that time the project of subduing the whole of Sicily on their own account, returned to their previous defensive policy. Some of the large silver pieces are still preserved which were coined for this campaign from the ornaments of Damareta, the wife of Gelon, and other noble Syracusan dames: and the latest times gratefully remembered the gentle and brave king of Syracuse, and the glorious victory whose praises Simonides sang.

The immediate effect of the humiliation of Carthage was the fall of the maritime supremacy of her Etruscan allies. Anaxilas, ruler of Rhegium and Zancle, had already closed the Sicilian straits against their privateers by means of a standing fleet (about 272); soon afterwards (280) the Cumæans and Hiero of Syracuse achieved a decisive victory near Cumæ over the Tyrrhene fleet, to which the Carthaginians vainly attempted to render aid. This is the victory which Pindar celebrates in his first Pythian ode; and there is still extant an Etruscan helmet, which Hiero sent to Olympia; with the inscription, "Hiaron son of Deinomenes and the Syrakosians to Zeus, Tyrrhane spoil from Kyma."* 482. 474.

While these extraordinary successes against the Carthaginians and Etruscans placed Syracuse at the head of the Greek cities in Sicily, the Doric Tarentum rose to undisputed pre-eminence among the Italian Greeks, after the Achæan Sybaris had fallen about the time of the expulsion of the Tarquins (243). The terrible defeat of the Tarentines by the Iapygians (280), the most severe disaster which a Grecian army had hitherto sustained, served only, like the Persian invasion of Hellas, to unshackle the whole might of the national spirit in the development of energetic democracy. Thenceforth the Carthaginians and the Etruscans were no longer paramount in the Italian waters; the Tarentines predominated in the Adriatic and Ionic, the Massiliots and Syracusans in the Tyrrhene seas. The latter in particular restricted more and more the range of Etruscan piracy. After the victory at Cumæ, Hiero had occupied the island of Ænaria (Ischia), and by that means interrupted the communication between the Campanian and the northern Etrus- Maritime supremacy of the Tarentines and Syracusans. 511. 474.

* Γιάρον ὁ Δεινομένεος καὶ τοὶ Συρακόσιοι τοῖ Δὶ Τύραν ἀπὸ Κύμας.

452. cans. About the year 302, with a view thoroughly to check Tuscan piracy, Syracuse sent forth a special expedition, which ravaged the island of Corsica and the Etrurian coast, and occupied the island of Æthalia (Elba.) Although Etrusco-Carthaginian piracy was not wholly repressed (Antium, for example, having apparently continued a haunt of privateering down to the beginning of the fifth century of the city), the might of Syracuse formed a strong bulwark against the allied Tuscans and Phœnicians. For a moment, indeed, it seemed as if the Syracusan power must be broken by the attack of the Athenians, whose naval expedition against
415–413. Syracuse, in the course of the Peloponnesian war (339–341), was supported by the Etruscans, old commercial friends of Athens, with three fifty-oared galleys. But the victory remained, as is well known, both in the West and the East with the Dorians. After the ignominious failure of the Attic expedition, Syracuse became so indisputably the first Greek maritime power, that the men who were at the head of its affairs aspired to the sovereignty of Sicily and Lower Italy, and of both the Italian seas; while on the other hand the Carthaginians, who saw their dominion in Sicily now seriously in danger, were on their part also obliged to make, and did make, the subjugation of the Syracusans and the reduction of the whole island the aim of their policy. We cannot here narrate the decline of the intermediate Sicilian states, and the increase of the Carthaginian power in the island, which were the immediate results of these struggles. We notice their effect only so far as Etruria is concerned. The new ruler of Syracuse, Dionysius (reigned 348–387), inflicted on it blows which were severely felt. The far-scheming king laid the foundation of his new colonial power above all in the seas to the east of Italy, the more northern waters of which now became, for the first time, subject to a Greek maritime power. About the year 367, Dionysius occupied and colonized the port of Lissus and island of Issa on the Illyrian coast, and the ports of Ancona, Numana, and Hatria, on the coast of Italy. The memory of the Syracusan dominion in this remote region is preserved, not only by the "canal of Philistus," which was constructed at the mouth of the Po, beyond doubt by the well-known historian and friend of Dionysius who
386. spent the years of his exile (368 *et seq.*) at Hatria, but also by the alteration in the name of the Italian eastern sea it-

Dionysius of Syracuse. 406–367.

387.

self, which from this time forth, instead of its earlier designation of the "Ionic Gulf" (P. 137), received the appellation still current at the present day, and probably referable to this Syracusan occupation, of the sea "of Hatria."* But not content with these attacks on the possessions and commercial communications of the Etruscans in the eastern sea, Dionysius assailed the very heart of the Etruscan power, by storming and plundering Pyrgi, the rich seaport of Cære (369). From this blow it never recovered. When 385.
the internal disturbances that followed the death of Dionysius in Syracuse gave the Carthaginians freer scope, and their fleet resumed in the Tyrrhene sea that ascendancy which, with but slight interruptions, they thenceforth maintained, it proved a burden no less grievous to Etruscans than to Greeks; so that when Agathocles of Syracuse, in 444, was making preparations for war with Carthage, he 310.
was even joined by eighteen Tuscan vessels of war. The Etruscans perhaps had their fears in regard to Corsica, which they probably still at that time retained; so the old Etrusco-Phœnician symmachy, which still existed in the time of Aristotle (370–432), was broken up; but the Etruscans 384–322.
never recovered their maritime strength.

This rapid collapse of the Etruscan maritime power would be inexplicable, but for the circumstance that at the very time when the Sicilian Greeks were attacking them by sea, the Etruscans found themselves assailed by the severest calamities on every side by land. About the time of the battles of Salamis, Himera, and Cumæ, a furious war raged for many years, according to the accounts of the Roman annals, between Rome and Veii (271–280) The Romans 483–474.
suffered in its course severe defeats. Tradition especially preserved the memory of the catastrophe of the Fabii (277), who had, in consequence of internal commotions, 477.
voluntarily banished themselves from the capital (P. 288), and had undertaken the defence of the frontier against Etruria, and who were slain to the last man capable of bearing arms, at the rivulet of the Cremera. But the armistice for 400 months, which in room of a peace ter-

The Romans oppose the Etruscans at Veii.

* Hecatæus (+ after 257 U.C.) and Herodotus also (270—after 345) only know Hatrias as the delta of the Po and the sea that washes its shores (O. Müller, *Etrusker*, i. p. 140; *Geogr. Græci Min. ed. C. Müller*, i. p. 23). The appellation of Adriatic sea, in its more extended sense, first occurs in the so-called Scylax about 448 U.C. { 497. 484–409.

minated the war, was so far favourable to the Romans, that it at least restored matters to the *status quo* of the regal period; the Etruscans gave up Fidenæ and the district won by them on the right bank of the Tiber. We cannot ascertain how far this Romano-Etruscan war was connected directly with the war between the Hellenes and the Persians, and with that between the Sicilians and Carthaginians; but whether the Romans were or were not allies of the victors of Salamis and of Himera, there was at any rate a coincidence of interests as well as of results.

The Samnites oppose the Etruscans in Campania.

The Samnites as well as the Latins threw themselves upon the Etruscans; and hardly had their Campanian settlement been cut off from the mother-land in consequence of the battle of Cumæ, when it found itself no longer able to resist the assaults of the Sabellian mountain tribes. Capua, the

424. capital, fell in 330; and the Tuscan population there was, soon after the conquest, extirpated or expelled by the Samnites. It is true that the Campanian Greeks also, isolated and weakened, suffered severely from the same invasion: Cumæ itself was conquered by the Sabellians in

420. 334. But the Hellenes maintained their ground, at Neapolis in particular, perhaps with the aid of the Syracusans, while the Etruscan name in Campania disappeared from history; excepting some detached Etruscan communities that lingered out a pitiful and forlorn existence there.

Events still more momentous, however, occurred about the same time in Northern Italy. A new nation was knocking at the gates of the Alps: it was the Celts; and their first pressure fell on the Etruscans.

Character of the Celts.

The Celtic, Galatian, or Gallic nation received from the common mother endowments different from those of its Italian, Germanic, and Hellenic sisters. With many solid qualities, and still more that were brilliant, it was deficient in those deeper moral and political qualifications which lie at the root of all that is good and great in human development. It was reckoned disgraceful, Cicero tells us, for free Celts to till their fields with their own hands. They preferred a pastoral life to agriculture; and even in the fertile plains of the Po they chiefly practised the rearing of swine, feeding on the flesh of their herds, and staying with them in the oak forests day and night. Attachment to their native soil, such as characterizes the Italians and the Germans, was wanting in the Celts; while on the other hand they delighted

to congregate in towns and villages, which accordingly grew and acquired importance among the Celts earlier apparently than in Italy. Their political constitution was imperfect. Not only was their national unity recognized but feebly as a connecting bond (as is, in fact, the case with all nations at first), but the individual communities were deficient in unity of purpose and steady control, in earnest public spirit and consistency of aim. The only organization to which they were suited was the military, in which the bonds of discipline relieved the individual from the troublesome necessity of self-control. "The prominent qualities of the Celtic race," says their historian Thierry, "were personal bravery, in which they excelled all nations; an open impetuous temperament accessible to every impression; much intelligence associated with extreme volatility; want of perseverance, aversion to discipline and order, ostentation and perpetual discord—the result of boundless vanity." Cato the Elder more briefly describes them, nearly to the same effect; "the Celts devote themselves mainly to two things—fighting and *esprit*." * Such qualities—those of good soldiers but of bad citizens—explain the historical fact, that the Celts have shaken all states and have founded none. Everywhere we find them ready to rove, or in other words, to march; preferring moveable property to landed estate, and gold to everything else; following the profession of arms as a system of organized pillage or even as a trade for hire, and with such success that even the Roman historian, Sallust, acknowledges that the Celts bore off the prize from the Romans in feats of arms. They were the true soldiers-of-fortune of antiquity, as pictures and descriptions represent them; with big but not sinewy bodies, with shaggy hair and long mustachios—quite a contrast to the Greeks and Romans, who shaved the head and upper lip; in variegated embroidered dresses, which in combat were not unfrequently thrown off; with a broad gold ring round the neck; wearing no helmets, and without missile weapons of any sort, but furnished instead with an immense shield, a long ill-tempered sword, a dagger and a lance—all ornamented with gold, for they were not unskilful in working in metals. Everything was made subservient to ostentation,

* *Pleraque Gallia duas res industriosisime persequitur: rem militarem et argute loqui* (Cato, *Orig.* l. ii. *fr.* 2 Jordan).

even wounds, which were often enlarged for the purpose of boasting a broader scar. Usually they fought on foot, but certain tribes on horseback, in which case every freeman was followed by two attendants, likewise mounted; war-chariots were early in use, as they were among the Libyans and the Hellenes in the earliest times. Many a trait reminds us of the chivalry of the middle ages; particularly the custom of single combat, which was foreign to the Greeks and Romans. Not only were they accustomed in war to challenge a single enemy to fight, after having previously insulted him by words and gestures; in peace also they fought with each other in splendid equipments, as for life or death. After such feats, carousals followed in due course. In this way they led, whether under their own or a foreign banner, a restless soldier-life; constantly occupied in fighting and in their so-called feats of heroism, they were dispersed from Ireland and Spain to Asia Minor. But all their enterprises melted away like snow in spring; and they nowhere created a great state, or developed a distinctive culture of their own.

Celtic migrations.

Such is the description which the ancients give us of this nation. Its origin can only be conjectured. Sprung from the same cradle from which the Hellenic, Italian, and Germanic peoples issued,* the Celts doubtless like these migrated from their eastern motherland into Europe, where at an early period they reached the western ocean, and established their head-quarters in what is now France, crossing to settle in the British isles on the north, and on the south passing the Pyrenees and contending with the Iberian tribes for the possession of the peninsula. This, their first great migration, flowed past the Alps, and it was

* It has recently been maintained by well-informed philologists, that there is a closer affinity between the Celts and Italians than there is even between the latter and the Hellenes. In other words, they hold that that branch of the great tree, from which the peoples of Indo-Germanic extraction in the west and south of Europe have sprung, divided itself, in the first instance, into Greeks and Italo-Celts, and that the latter, at a considerably later period, became subdivided into Italians and Celts. This hypothesis seems to commend itself to acceptance in a geographical point of view, and the existing historical facts admit perhaps of being also harmonized with it, because what has hitherto been regarded as Græco-Italian civilization may very well have been Græco-Celto-Italian; in fact we know nothing of the earliest stage of Celtic culture. Linguistic investigation, however, seems not to have made as yet such progress in this case as to warrant the insertion of its results in the primitive history of the peoples.

from the lands to the westward that they first began those movements of smaller masses in the opposite direction—movements which carried them over the Alps and the Hæmus and even over the Bosporus, and by means of which they became and for many centuries continued to be the terror of the whole civilized nations of antiquity, till the victories of Cæsar and the frontier defences organized by Augustus for ever broke their power.

The native legend of their migrations, which has been preserved to us mainly by Livy, relates the story of these later retrograde movements as follows.* The Gallic confederacy, which was headed then, as it still was in Cæsar's time, by the canton of the Bituriges (around Bourges), sent forth in the days of King Ambiatus two great military hordes, led by the two nephews of the king. One of these nephews, Sigovesus, crossed the Rhine and advanced in the direction of the Black Forest, while the second, Bellovesus, crossed the Graian Alps (the Little St. Bernard), and descended into the valley of the Po. From the former proceeded the Gallic settlement on the middle Danube; from the latter the oldest Celtic settlement in the modern Lombardy, the canton of the Insubres, with Mediolanum (Milan) as its capital. A second host soon followed, which founded the canton of the Cenomani with the towns of Brixia (Brescia) and Verona. Ceaseless streams thenceforth poured

The Celts assail the Etruscans in Northern Italy.

* The legend is related by Livy, v. 34, and Justin, xxiv. 4, and Cæsar also has had it in his mind (*B. G.* vi. 24). The association of the migration of Bellovesus with the founding of Massilia, by which the former is chronologically fixed down to the middle of the second century of the city, undoubtedly belongs, not to the native legend which of course specified no dates, but to later chronological research, and it deserves no credit. Isolated incursions and immigrations may have taken place at a very early period; but the great overflowing of northern Italy by the Celts cannot be placed before the age of the decay of the Etruscan power, that is, not before the second half of the third century of the city.

In like manner, after the judicious investigations of Wickham and Cramer, we cannot doubt that the line of march of Bellovesus, like that of Hannibal, lay not over the Cottian Alps (Mont Genèvre), and through the territory of Taurini, but over the Graian Alps (the Little St. Bernard), and through the territory of the Salassi. The name of the mountain is probably given by Livy, not on the authority of the legend, but on his own conjecture.

Whether the representation that the Italian Boii came through the more easterly pass of the Pœnine Alps rested on the ground of a genuine legendary reminiscence, or only on the ground of an assumed connection with the Boii dwelling to the north of the Danube, is a question that must remain undecided.

over the Alps into the beautiful plain; the Celtic tribes, with the Ligurians whom they dislodged and swept along with them, wrested place after place from the Etruscans, till the whole left bank of the Po was in their hands. After the fall of the rich Etruscan town Melpum (probably in the district of Milan), for the subjugation of which the Celts already settled in the basin of the Po had united with
396. newly arrived tribes (358?), these latter crossed to the right bank of the river, and began to press upon the Umbrians and Etruscans in their original abodes. Those who did so were chiefly the Boii, who are alleged to have penetrated into Italy by another route, over the Pœnine Alps (the Great St. Bernard); they settled in the modern Romagna, where the old Etruscan town Felsina, with its name changed by its new masters to Bononia, became their capital. Finally came the Senones, the last of the larger Celtic tribes, which made their way over the Alps; they took up their abode along the coast of the Adriatic from Rimini to Ancona. The limits of Etruria on the north became more and more contracted, and about the middle of the fourth century the Tuscan nation found themselves substantially restricted to the territory which thenceforth bore and still bears their name.

Attack on Etruria by the Romans.

Subjected to these simultaneous and, as it were, concerted assaults on the part of very different peoples, the Syracusans, Latins, Samnites, and above all the Celts, the Etrurian nation, that had just acquired so vast and sudden an ascendancy in Latium and Campania and on both the Italian seas, underwent a still more rapid and violent collapse. The loss of their maritime supremacy and the subjugation of the Campanian Etruscans belong to the same epoch as the settlement of the Insubres and Cenomani on the Po; and about this same period the Romans, who had not very many years before been humbled to the utmost and almost reduced to bondage, first assumed an attitude of aggression towards Etruria. By the armistice with Veii in
474. 280 it had recovered its ground, and the two nations were restored in the main to the state in which they had stood in
445. the time of the kings. When it expired in the year 309, the warfare began afresh; but it took the form of border frays and pillaging excursions which led to no material result on either side. Etruria was still too powerful for Rome to be able seriously to attack it. At length the revolt

of Fidenæ, which expelled the Roman garrison, murdered the Roman envoys, and submitted to Larth Tolumnius, king of the Veientes, gave rise to a more considerable war, which ended favourably for the Romans; the king Tolumnius fell in combat by the hand of the Roman consul Aulus Cornelius Cossus (326?), Fidenæ was taken, and a new armistice for 200 months was concluded in 329. During this truce the troubles of Etruria became more and more aggravated, and the Celtic arms were already approaching the settlements that hitherto had been spared on the right bank of the Po. When the armistice expired in the end of 346, the Romans also on their part resolved to undertake a war of conquest against Etruria; and on this occasion the war was carried on not merely to vanquish Veii, but to crush it. 428. 425. 408.

Conquest of Veii.

The history of the war against the Veientes, Capenates, and Falisci, and of the siege of Veii, which is said, like that of Troy, to have lasted ten years, rests on evidence little reliable. Legend and poetry have taken possession of these events as their own, and with reason; for the struggle in this case was waged, with unprecedented exertions, for an unprecedented prize. It was the first occasion on which a Roman army remained in the field summer and winter, year after year, till its object was attained. It was the first occasion on which the community paid the levy from the resources of the state. But it was also the first occasion on which the Romans attempted to subdue a nation of alien stock, and carried their arms beyond the ancient boundaries of the Latin land. The struggle was vehement, but the issue was scarcely doubtful. The Romans were supported by the Latins and Hernici, to whom the overthrow of their dreaded neighbour was productive of scarcely less satisfaction and advantage than to the Romans themselves; whereas Veii was abandoned by its own nation, and only the adjacent towns of Capena and Falerii, along with Tarquinii, furnished contingents to its help. The contemporary assaults of the Celts would alone suffice to explain the non-intervention of the northern communities; it is affirmed, however, and there is no reason to doubt, that the inaction of the other Etruscans was immediately occasioned by internal factions in the league of the Etruscan cities, and particularly by the opposition which the regal form of government, retained or restored by the Veientes, encountered from the aristocratic governments of the other cities. Had

the Etruscan nation been able or willing to take part in the conflict, the Roman community would hardly have been able (undeveloped as the art of besieging then was) to accomplish the gigantic task of subduing a large and strong city. But isolated and forsaken as Veii was, it succumbed
396. (358) after a valiant resistance to the persevering and heroic energy of Marcus Furius Camillus, who first opened up to his countrymen the brilliant and perilous career of foreign conquest. The joy which this great success excited in Rome was re-echoed in the Roman custom, continued to a late age, of concluding the festal games with a "sale of Veientes," at which, among the mock spoils submitted to auction, the most wretched old cripple who could be procured wound up the sport in a purple mantle and ornaments of gold as "King of the Veientes." The city was destroyed, and the soil was doomed to perpetual desolation. Falerii and Capena hastened to make peace; the powerful Volsinienses, who with the passiveness of confederacy had looked on the agony of Veii and took up arms after its capture, like-
391. wise after a few years (363) consented to peace. The statement that the two bulwarks of the Etruscan nation, Melpum and Veii, yielded on the same day, the former to the Celts, the latter to the Romans, may be merely a melancholy legend; but it at any rate involves a deep historical truth. The double assault on the north and on the south, and the fall of the two frontier strongholds, were the beginning of the end of the great Etruscan nation.

The Celts attack Rome.

For a moment, however, it seemed as if the two peoples, through whose co-operation Etruria saw her very existence put in jeopardy, were about to destroy each other, and the revived power of Rome was to be trodden under foot by foreign barbarians. This turn of things, so contrary to what might naturally have been expected, the Romans brought upon themselves by their own arrogance and short-sightedness.

The Celtic swarms, which had crossed the river after the fall of Melpum, very rapidly overflowed northern Italy, not merely the open country on the right bank of the Po and along the shore of the Adriatic, but also Etruria proper to
391. the south of the Apennines. A few years afterwards (363) Clusium, situated in the heart of Etruria (Chiusi, on the borders of Tuscany and the States of the Church), was besieged by the Celtic Senones; and so humbled were the

Etruscans that the Tuscan city in its straits invoked aid from the destroyers of Veii. Perhaps it would have been wise to grant it, and to reduce both the Gauls by arms, and the Etruscans by according to them protection, to a dependence on Rome; but an intervention with aims so extensive, which would have compelled the Romans to undertake a serious struggle on the north Tuscan frontier, was not embraced as yet within the horizon of the Roman policy. No course was left therefore but that of non-intervention. Foolishly, however, while declining to send auxiliary troops, they despatched envoys. With still greater folly these sought to impose upon the Celts by haughty language, and, when this failed, they thought they might with impunity violate the law of nations in dealing with barbarians; in the ranks of the Clusines they took part in a skirmish, and in the course of it one of them stabbed and dismounted a Gallic officer. The barbarians acted in the case with moderation and prudence. They sent in the first instance to the Roman people to demand the surrender of those who had outraged the law of nations, and the senate was ready to comply with the reasonable request. But with the multitude compassion for their countrymen outweighed justice towards the foreigners; satisfaction was refused by the burgesses; and according to some accounts they even nominated the brave champions of their fatherland as consular tribunes for the year 364,* which was to be so fatal in the Roman annals. Then the Brennus, or in other words, the "king of the army" of the Gauls, broke up the siege of Clusium, and the whole Celtic host—the numbers of which are stated at 70,000 men—turned against Rome. Such expeditions into unknown and distant regions were not unusual for the Gauls, who marched as bands of armed emigrants, troubling themselves little as to the means of cover or of retreat; but it was evident that none in Rome anticipated the dangers involved in so mighty and so sudden an invasion. It was not till the Gauls had crossed the Tiber, and were at the rivulet of the Allia, less than twelve miles from the gates, that a Roman military force sought to hinder their passage on the 18th July, 364. And even now they went into battle with arrogance and foolhardiness,

390.

Battle of the Allia.

390.

* This is according to the current computation 390 B. C.; but, in fact, the capture of Rome occurred in U. C. 98, 1 = 388 B. C., and was displaced only in consequence of the disorder of the Roman calendar.

—not as against an army, but as against freebooters—under inexperienced leaders, Camillus having in consequence of the dissensions of the orders withdrawn from taking part in affairs. Those against whom they were to fight were but barbarians; what need was there of a camp, or of securing a retreat? These barbarians, however, were men whose courage despised death, and their mode of fighting was to the Italians as novel as it was terrible; drawing their swords, the Celts precipitated themselves with furious onset on the Roman phalanx, and shattered it at the first shock. Not only was the overthrow complete, but the disorderly flight of the Romans, who hastened to place the river between them and the pursuing barbarians, carried the greater portion of the defeated army to the right bank of the Tiber and towards Veii. The capital was thus needlessly left to the mercy of the invaders; the small force that was left behind, or that had fled thither, was not sufficient to garrison the walls, and three days after the battle the victors marched through the open gates into Rome. Had they done so at first, as they might have done, not only the city, but the state also must have been lost; the brief interval gave opportunity to carry away or to bury the sacred objects, and, what was more important, to occupy the citadel, and to furnish it scantily with provisions. No one was admitted to the citadel who was incapable of bearing arms—there was not food for all. The mass of the defenceless dispersed among the neighbouring towns; but many, and in particular a number of old men of high standing, would not survive the downfall of the city, and in their houses awaited death by the sword of the barbarians. They came, murdered all they met with, plundered whatever property they found, and at length set the city on fire on all sides, before the eyes of the Roman garrison in the Capitol. But they had no knowledge of the art of besieging, and the blockade of the steep citadel rock was tedious and difficult, because subsistence for the great host could only be procured by armed foraging parties, and the citizens of the neighbouring Latin cities, the Ardeates in particular, frequently attacked the foragers with courage and success. Nevertheless the Celts persevered, with an energy which in the circumstances was unparalleled, for seven months beneath the rock, and the garrison, which had escaped a surprise on a dark night only in consequence of the cackling of the sacred geese and the

Capture of Rome.

accidental awaking of the brave Marcus Manlius, already found its provisions beginning to fail, when the Celts received information as to the Veneti having invaded the Senonian territory recently acquired on the Po, and were thus induced to accept the ransom money that was offered to secure their retreat. The scornful throwing down of the Gallic sword, that it might be outweighed by Roman gold, indicated very truly how matters stood. The iron of the barbarians had conquered, but they sold their victory, and by selling lost it.

Fruitlessness of the Celtic victory.

The fearful catastrophe of the defeat and the conflagration, the 18th of July and the rivulet of the Allia, the spot where the sacred objects were buried, and the spot where the surprise of the citadel had been repulsed—all the details of this unparalleled event—were transferred from the recollection of contemporaries to the imagination of posterity; and we can scarcely realize the fact that two thousand years have actually elapsed since those world-renowned geese showed greater vigilance than the sentinels at their posts. And yet, although there was an enactment in Rome that in future, on occasion of a Celtic invasion, no legal privilege should give exemption from military service—although dates were reckoned by the years from the conquest of the city—although the event resounded throughout the whole of the then civilized world and found its way even into the Grecian annals—the battle of the Allia and its results can scarcely be numbered among those historical events that are fruitful of consequences. It made no alteration at all in political relations. When the Gauls had again withdrawn with their gold (which only a legend of late and wretched invention represents the hero Camillus as having recovered for Rome), when the fugitives had again made their way home, the foolish idea suggested by some faint-hearted politicians more calculating than wise, that the citizens should migrate to Veii, was set aside by a spirited speech of Camillus; houses arose out of the ruins hastily and irregularly (the narrow and crooked streets of Rome owe their origin to this epoch); and Rome again stood in her old commanding position. Indeed it is not improbable that this occurrence contributed materially, though not just at the moment, to diminish the antagonism between Rome and Etruria, and above all to knit more closely the ties of union between Latium and Rome. The conflict between the Gauls and the

Romans was not, like that between Rome and Etruria or between Rome and Samnium, a collision of two political powers, which affect and modify each other; it may be compared to those catastrophes of nature, after which the organism, if it is not destroyed, immediately resumes its equilibrium. The Gauls often returned to Latium: in the year
367. 387 for instance, when Camillus defeated them at Alba—the last victory of the aged hero, who had been six times military tribune with consular powers, and five times dictator, and had four times marched in triumph to the Capitol;
361. in the year 393, when the dictator, Titus Quinctius Pennus, encamped opposite to them, not five miles from the city at the bridge of the Anio, but before any encounter took place, the Gallic host marched onward to Campania; in the year
360. 394, when the dictator, Quintus Servilius Ahala, fought with the hordes returning from Campania in front of the Colline
358. gate; in the year 396, when the dictator, Gaius Sulpicius
350. Peticus, inflicted on them a signal defeat; in the year 404, when they even spent the winter encamped upon the Alban mount, and joined with the Greek pirates along the coast for plunder, till Lucius Furius Camillus in the following year dislodged them—an incident, which came to the ears of
384–322. Aristotle, who was contemporary (370–432), in Athens. But these predatory expeditions, formidable and troublesome as they may have been, were rather incidental misfortunes than events of historical importance; and the main result of them was, that the Romans were regarded, in their own country and beyond it, ever more and more as the bulwark of the civilized nations of Italy against the assaults of the dreaded barbarians—a view which tended more than is usually thought to help forward their subsequent claim to universal empire.

Further conquests of Rome in Etruria.

The Tuscans, who had taken advantage of the Celtic attack on Rome to assail Veii, had accomplished nothing, because they had appeared in insufficient force; the barbarians had scarcely departed, when the heavy arm of Latium descended on the former with undiminished weight. After the Etruscans had been repeatedly defeated, the whole of southern Etruria as far as the Ciminian hills remained in the hands of the Romans, who formed four new tribes out of
387. the territories of Veii, Capena, and Falerii (367), and secured the northern boundary by establishing the fortresses
383. 373. of Sutrium (371) and Nepete (381). With rapid steps this

South Etruria Roman.

fertile region covered with Roman colonists became completely Romanized. About 396 the neighbouring Etruscan towns, Tarquinii, Cære, and Falerii, attempted to revolt against Roman aggression, and the deep exasperation which it had aroused in Etruria was shown by the slaughter of the whole of the Roman prisoners taken in the first campaign, three hundred and seven in number, in the marketplace of Tarquinii; but it was the exasperation of impotence. In the peace (403), Cære, which as situated nearest to the Romans suffered the heaviest retribution, was compelled to cede half its territory to Rome, and with the diminished domain which was left to it, to withdraw from the Etruscan league, and to enter into a relation of dependence on Rome. It seemed not advisable however to force upon this more remote and alien community full Roman citizenship, as had, under similar circumstances, been done with the nearer and more cognate Latin and Volscian communities. In its stead the Cærite community received Roman citizenship without the privilege of electing or of being elected (*civitas sine suffragio*)—a form of political subjection, first occurring in this case, by which a state that had hitherto been independent became converted into a community, not free, but administering its own affairs. Not long afterwards (411) Falerii, which had preserved its original Latin nationality even under Tuscan rule, abandoned the Etruscan league, and entered into perpetual alliance with Rome; and thereby the whole of South Etruria became in one form or other subject to Roman supremacy. In the case of Tarquinii, and perhaps of northern Etruria generally, the Romans were content with restraining their action by a truce of 400 months (403).

358. 351. 343. 351.

Pacification of Northern Italy.

In northern Italy likewise the peoples that had come into collision and conflict gradually settled on a more permanent footing, and within better-defined limits. The migrations over the Alps ceased, partly perhaps in consequence of the desperate defence which the Etruscans made in their more restricted home, and of the serious resistance of the powerful Romans, partly perhaps in consequence of changes unknown to us to the north of the Alps. Between the Alps and the Apennines, as far south as the Abruzzi, the Celts were now, generally, the ruling nation, and they were masters, in particular, of the plains and rich pastures; but the character of their settlement was lax and superficial, so that their

dominion took no deep root in the newly acquired land, and by no means assumed the shape of exclusive possession. How matters stood in the Alps, and to what extent Celtic settlers became mingled there with earlier Etruscan or other stocks, our unsatisfactory information as to the nationality of the later Alpine peoples does not permit us to ascertain. It is on the other hand certain that the Etruscans or, as they were then called, the Ræti, retained their settlements in the modern Grisons and Tyrol, and the Umbrians, in like manner, in the valleys of the Apennines. The Veneti, speaking a different language, kept possession of the north-eastern portion of the valley of the Po. Ligurian tribes maintained their footing in the western mountains, dwelling as far south as Pisa and Arezzo, and separated the Celt-land proper from Etruria. The Celts dwelt only in the intermediate flat country, the Insubres and Cenomani to the north of the Po, the Boii to the south, and (not to mention smaller tribes) the Senones on the coast of the Adriatic, from Ariminum to Ancona, in the so-called "territory of the Gauls" (*ager Gallicus*). But even there Etruscan settlements must have continued, partially at least, to exist, somewhat as Ephesus and Miletus remained Greek under the supremacy of the Persians. Mantua at any rate, which was protected by its insular position, was a Tuscan city even in the time of the Empire, and Hatria on the Po also, where numerous discoveries of vases have been made, appears to have retained its Etruscan character; the description of the coasts that goes under the name of
336. Scylax, composed about 418, calls the district of Hatria and Spina a Tuscan land. This alone, moreover, explains how it was that Etruscan corsairs rendered the Adriatic unsafe till far into the fifth century, and why not only Dionysius of Syracuse covered its coasts with colonies, but even Athens, as a remarkable document recently discovered in-
325. forms us, resolved about 429 to establish a colony in the Adriatic for the protection of seafarers against the Tyrrhene pirates.

But while more or less of an Etruscan character continued to mark these regions, it was confined to isolated remains and fragments of their earlier power. The Etruscan nation no longer reaped the benefit of such gains as were still acquired there by individuals in peaceful commerce or in maritime war. On the other hand it was probably from these half-

free Etruscans that the germs proceeded of such civilization as we subsequently find among the Celts and Alpine peoples in general (P. 223). The very fact, that the Celtic hordes in the plains of Lombardy, to use the language of the so-called Scylax, abandoned their warrior-life and took to permanent settlement, must in part be ascribed to this influence; the rudiments moreover of handicrafts and arts, and the alphabet, came to the Celts in Lombardy, and in fact to the Alpine nations as far as the modern Styria, by the medium of the Etruscans.

Etruria Proper at peace and in decline.

Thus the Etruscans, after the loss of their possessions in Campania, and of the whole district to the north of the Apennines and to the south of the Ciminian forest, remained restricted to very narrow bounds; their season of power and of aspiration had for ever passed away. The closest reciprocal relations subsisted between this external decline and the internal decay of the nation, the seeds of which indeed were probably already deposited at a far earlier period. The Greek authors of this age are full of descriptions of the unbounded luxury of Etruscan life; poets of Lower Italy in the fifth century of the city celebrate the Tyrrhenian wine; Timæus and Theopompus delineate pictures of Etruscan unchastity and of Etruscan banquets, such as fall nothing short of the worst Byzantine or French demoralization. Unattested as may be the details in these accounts, the statement at least appears to be well founded, that the detestable amusement of gladiatorial combats—the gangrene of the later Rome and of the last epoch of antiquity generally—first came into vogue among the Etruscans. At any rate there is no room on the whole to doubt the deep degeneracy of the nation. It pervaded even its political condition. As far as our scanty information reaches, we find aristocratic tendencies prevailing, in the same way as they did at the same period in Rome, but more harshly and more perniciously. The abolition of royalty, which appears to have been carried out in all the cities of Etruria about the time of the siege of Veii, called into existence in the several cities a patrician government, which experienced but slight restraint from the loose federal bond. That bond but seldom succeeded in uniting all the Etruscan cities even in the national defence, and the nominal hegemony of Volsinii does not admit of the most remote comparison with the energetic vigour which the leadership of Rome communicated

to the Latin nation. The struggle against the exclusive claim put forward by the old burgesses to all public offices and to all public emoluments, which must have destroyed even the Roman state, had not its external successes enabled it in some measure to satisfy the demands of the oppressed proletariate at the expense of foreign nations and to open up other paths to ambition—that struggle against the exclusive rule, and against (what was specially prominent in Etruria) the priestly monopoly, of the noble *gentes* must have ruined Etruria politically, economically, and morally. Enormous wealth, particularly in landed property, became concentrated in the hands of a few nobles, while the masses were impoverished; the social revolutions which thence arose increased the distress which they sought to remedy; and, in consequence of the impotence of the central power, no course at last remained to the distressed aristocrats (*e. g.*
301. 266. in Arretium in 453, and in Volsinii in 488) but to call in the aid of the Romans, who accordingly put an end to the disorder, but at the same time extinguished their remnant of independence. The energies of the nation were broken from the day of Veii and Melpum. Earnest attempts were still once or twice made to shake off the Roman supremacy, but in these instances the stimulus was communicated to the Etruscans from without—from another Italian stock, the Samnites.

CHAPTER V.

SUBJUGATION OF THE LATINS AND CAMPANIANS BY ROME.

The hegemony of Rome over Latium shaken and re-established.

THE great achievement of the regal period was the establishment of the sovereignty of Rome over Latium, under the form of hegemony. It is in the nature of the case evident that the change in the constitution of Rome could not but powerfully affect both the relation of the Roman state towards Latium, and the internal organization of the Latin communities themselves; and that it did so is obvious from tradition. The fluctuations which the revolution in Rome occasioned in the Romano-Latin confederacy are attested by the legend, unusually vivid and various in its hues, of the victory at the Lake Regillus, which the dictator or consul, Aulus Postumius (255? 258?) is said to have gained over the Latins with the help of the Dioscuri, and still more definitely by the renewal of the perpetual league between Rome and Latium by Spurius Cassius in his second consulate (261). These narratives, however, give us no information as to the main matter, the legal relation between the new Roman republic and the Latin confederacy; and what from other sources we learn regarding that relation comes to us without date, and can only be inserted here with an approximation to probability. 499. 496. 493.

Original equality of rights between Rome and Latium.

The nature of a hegemony implies that it becomes gradually converted into sovereignty by the mere inward force of circumstances; and the Roman hegemony over Latium formed no exception to the rule. It was based upon a complete legal equality between the Roman state on the one side, and the Latin confederacy on the other (P. 109); but this same legal equality could not be carried out at all, and

especially in reference to war and the treatment of its acquisitions, without practically annihilating the hegemony. According to the original constitution of the league, not only was the right of making wars and treaties with foreign states — in other words, the full power of political independence — maintained in all probablity both by Rome and Latium, but, when a federal war took place, both Rome and Latium contributed the like contingent. Each furnished, as a rule, an "army" of two legions, or 8400 men;* and they alternately appointed the commander-in-chief, who then nominated, of his own selection, the officers of his staff, six leaders of division (*tribuni militum*), for each of the four divisions of the army. In case of victory, the moveable part of the spoil, as well as the conquered territory, was divided in equal portions between Rome and the confederacy; when the establishment of fortresses in the conquered territory was resolved on, their garrisons and population were composed partly of Roman, partly of confederate colonists; and not only so, but the newly-founded community was received as an independent federal state into the Latin confederacy, and furnished with a seat and vote in the Latin diet.

Encroachments on that legal equality,

These stipulations, the full execution of which would have annulled the reality of a hegemony, can have had but a limited import in fact, even during the regal period; in the republican epoch they must necessarily have undergone alterations also in form.

As to wars and treaties.

Among the first that fell into abeyance was, beyond doubt, the right of the confederacy to make wars and treaties with foreigners,† and their right to name the common commander every alternate year. The deciding on wars and treaties, as well as the supreme command,

As to the officering of the army.

devolved altogether on Rome. It followed from this change, that the staff-officers for the Latin troops also were now wholly nominated by the Roman commander-in-chief; and there was soon added the further innovation, that Roman burgesses alone were taken as staff-officers for the Roman half of the army, and if not alone, at any rate mainly,

* The original equality of the two armies is evident from Liv. i. 52; viii. 8, 14, and Dionys. viii. 15; but most clearly from Polyb. vi. 26.

† Dionysius expressly states, that in the later federal treaties between Rome and Latium, the Latin communities were expressly interdicted from calling out their contingents of their own motion, and sending them into the field alone.

for the Latin half also.* On the other hand, still, as formerly, no stronger contingent could be exacted from the Latin confederacy as a whole, than was furnished by the Roman community; and the Roman commander-in-chief was likewise bound not to break up the Latin contingents, but to keep the contingent sent by each community as a separate division of the army, under the leader whom that community had appointed.† The right of the Latin confederacy to an equal share in the moveable spoil, and in the conquered land, continued to subsist in form; in reality however, the substantial fruits of war went, beyond doubt, already in early times to the leading state. Even in the founding of the federal fortresses or the so-called Latin colonies, as a rule probably most, and not unfrequently all, of the colonists were Romans; and although by the transference they were converted from Roman burgesses into members of a federate community, the newly planted townships in all probability frequently retained a permanent, and for the confederacy dangerous, attachment to their actual mother-city.

As to acquisitions in war.

The rights, on the contrary, which were secured by the federal treaties to the individual burgess of any of the allied communities in every city belonging to the league, underwent no restriction. These included, in particular, full equality of rights as to the acquisition of landed property and moveable estate, as to traffic and exchange, marriage and testament, and unlimited liberty of migration; so that not only was a man who had burgess-rights in any of the federal

Private rights.

* The Latin staff-officers were the twelve *præfecti sociorum*, who were set over the two *alæ* of the federal contingent, six to each *ala*, just as the twelve war-tribunes of the Roman army were placed by sixes over the two legions. Polybius (vi. 26, 5) states that the consul nominated the former, as he originally nominated the latter. Now according to the ancient principle of law, that every person under obligation of service might be made an officer (P. 100), it was legally allowable for the general to appoint a Latin as leader of a Roman, as well as conversely a Roman as leader of a Latin, legion; and this led to the practical result that the *tribuni militum* were wholly, and the *præfecti sociorum* at least ordinarily, Romans.

† These were the *præfecti turmarum* and *cohortium* (Polyb. vi. 21, 5; Liv. xxv. 14; Sallust. *Jug.* 69, *et al.*). Of course, as the Roman consuls were ordinarily also the commanders-in-chief, the presidents of the community were very frequently in the dependent towns also placed at the head of the state-contingents (Liv. xxiii. 19; Orelli, *Inscr.* 7022). Indeed, the usual name given to the Latin magistrates (*prætores*) indicates that they were officers.

towns legally entitled to settle in any other, but wherever he settled, he, as a passive burgess (*municeps*), participated in all private and political rights and duties, with the exception of eligibility to office, and was even (although in a limited sense) entitled to vote, at least in the *comitia tributa*.*

Of some such nature, in all probability, was the relation between the Roman community and the Latin confederacy in the first period of the republic. We cannot, however, ascertain what elements are to be referred to earlier stipulations, and what to the revision of the alliance in 261.

493. Remodelling of the arrangements of the Latin communities after the Roman pattern.

With somewhat greater certainty, the remodelling of the organization of the several communities belonging to the Latin confederacy, after the pattern of the consular constitution in Rome, may be characterized as an innovation, and introduced in connection with it. For, although the different communities may very well have arrived at the abolition of royalty in itself independently of each other (P. 255), the identity in the appellation of the new annual kings in the Roman and other commonwealths of Latium, and the comprehensive application of the peculiar principle of collegiateness,† evidently point to some external connection. Some

* Such a *metoikos* was not like an actual burgess assigned to a specific tribe once for all, but before each particular vote the tribe in which the *metœci* were upon that occasion to vote was fixed by lot. In reality, this probably amounted to the concession to the Latins of one vote in the Roman *comitia tributa*. The *metœci* cannot have voted in the centuries, because a fixed place in some tribe was a preliminary condition of the centuriate suffrage. On the other hand, they must, like the plebeians, have taken part in the curies.

† Ordinarily, as is well known, the Latin communities were presided over by two prætors. Besides these, there occur in several communities single magistrates, who in that case bore the title of dictator; as in Alba (Orelli—Henzen, *Inscr.* 2293); Lanuvium (Cicero, *pro Mil.* x. 27; xvii. 45; Asconius, *in Mil.* p. 32, *Orell.*; Orelli, *n.* 3786, 5157, 6086); Compitum (Orelli, 3324); Nomentum (Orelli, 208, 6138, 7032; comp. Henzen, *Bullett*, 1858, p. 169); and Aricia (Orelli, *n.* 1455); the latter office was probably connected with the consecration of the temple at Aricia by a dictator of the Latin confederacy (Cato, *Origin. l.* ii. *fr.* 21, Jordan). There was a similar dictator at Cære (Orelli, *n.* (3787, 5772). All these magistracies, or priesthoods that originated in magistracies (for the prætors and dictators of commonwealths completely broken up, such as the Alban dictator, are to be explained in accordance with Liv. ix. 43: *Anâyninis—magistratibus prœter quam sacrorum curatione interdictum*), were annual (Orelli, 208). The statement of Macer, likewise, and of the annalists who borrowed from him, that Alba was at the time of its fall no longer under kings, but under annual dictators (Dionys. v. 74; Plutarch. *Romul.* 27; Liv. i. 23), is probably a mere inference from the institution, with which he was acquainted, of the sacerdotal Alban dictatorship, which was beyond doubt annual like that of Nomentum; a view in which, moreover, the

time or other after the expulsion of the Tarquins from Rome, the arrangements of the Latin communities must have been revised in accordance with the scheme of the consular constitution. This adjustment of the Latin constitutions in conformity with that of the leading city may indeed belong to a later period; but internal probability rather favours the supposition that the Roman nobility, after having effected the abolition of royalty for life at home, suggested a similar change of constitution to the communities of the Latin confederacy, and at length introduced aristocratic government everywhere in Latium—notwithstanding the serious resistance, imperilling the stability of the Romano-Latin league itself, which was probably offered on the one hand by the expelled Tarquins, on the other by the royal *gentes* and by partisans well affected to monarchy in the other communities of Latium. The mighty development of the power of Etruria that occurred at this very time, the constant assaults of the Veientes, and the expedition of Porsena, may have mainly induced the Latin nation to adhere to the once-established form of union (or, in other words, to the continued recognition of the supremacy of Rome), and disposed them for its sake to acquiesce in a change of constitution for which, beyond doubt, the way had been in many respects prepared even in the bosom of the Latin communities, nay perhaps to submit even to an enlargement of the rights of hegemony.

Extension of Rome and Latium to the east and south,

The permanently united nation was enabled not only to maintain, but also to extend on all sides its power. We have already (P. 334) mentioned that the Etruscans remained only for a short time in possession of supremacy over Latium, and that matters on the northern frontier soon

democratic partisanship of its author may have come into play. It may be questioned whether the inference is valid, and whether, even if Alba at the time of its dissolution was under rulers holding office for life, the abolition of monarchy in Rome might not subsequently lead to the conversion of the Alban dictatorship into an annual office.

An exception is presented by the two *dictatores* of Fidenæ (Orelli, 1112)—a later and incongruous misuse of the title of dictator, which in all other cases, even where it is transferred to non-Roman magistrates, implies an exclusion of, and a contrast to, collegiateness.

All these Latin magistracies substantially coincide in reality, as well as specially in name, with the arrangement established in Rome by the revolution, in a way which cannot be adequately explained by the mere similarity of the political circumstances in which they originated.

returned to the position in which they stood during the regal period. It was not till more than a century after the expulsion of the kings from Rome, that any real extension of the Roman boundaries took place in this quarter. On the contrary, the conquests of the earlier republican, as of the regal period, were entirely at the expense of Rome's eastern and southern neighbours,—the Sabines, between the Tiber and Anio; the Æqui, settled next to them, on the upper Anio; and the Volscians on the Tyrrhene sea.

At the expense of the Sabines.

The early period at which the Sabine land became dependent on Rome is shown by the position it afterwards held. Already in the Samnite wars the Roman armies regularly marched through Sabina as through a peaceful land; and at an early epoch (much earlier than was the case with the Volscian land) the Sabine district exchanged its original dialect for that of Rome. The Roman occupation here seems to have encountered but few obstacles. That the Sabines had a comparatively feeble sympathy with the desperate resistance offered by the Æqui and Volsci, is evident even from the accounts of the annals; and (what is of more importance) we find no coercive fortresses there, such as were so numerously established in the Volscian plain. Perhaps this lack of opposition was connected with the fact, that the Sabine hordes, probably about this very time, poured themselves over Lower Italy. Allured by the pleasantness of the abodes on the Tifernus and Volturnus, they perhaps hardly disputed the possession of their native land with the Romans; and these mastered the half-deserted Sabine territory with little opposition.

At the expense of the Æqui and Volsci.

Far more vehement and lasting was the resistance of the Æqui and Volsci. We do not intend to narrate the feuds annually renewed with these two peoples—feuds which are related in the Roman chronicles in such a way that the most insignificant foray is scarcely distinguishable from an eventful war, and historical connection is totally disregarded; it is sufficient to indicate the permanent results. We plainly perceive that it was the especial aim of the Romans and Latins to separate the Æqui from the Volsci, and to become masters of the communications between them. For this purpose the oldest federal fortresses or so-called Latin colonies were founded, Cora, Norba (assigned to 262), and Signia (stated to have been reinforced in 259), all of which are situated at the points of connection between the Æquian

492.
495.

and Volscian districts. The object was attained still more fully by the accession of the Hernici to the league of the Romans and Latins (268), an accession which isolated the Volscians completely, and provided the league with a bulwark against the Sabellian tribes dwelling on the south and east; it is easy therefore to perceive why this little people obtained the concession of full equality with the two others in counsel and in distribution of the spoil. The feebler Æqui were thenceforth but little formidable; it was sufficient to undertake from time to time a plundering expedition against them. The Volscians opposed a more serious resistance, and it was only by gradually advancing its fortresses that the league slowly gained ground upon them. Velitræ had already been founded, in 260, as a bulwark for Latium; it was followed by Suessa Pometia, Ardea (312), and, singularly enough, Circeii (founded or at least strengthened in 361), which, as long as Antium and Tarracina continued free, can only have held communication with Latium by sea. Attempts were often made to occupy Antium, and one was temporarily successful in 287; but in 295 the town recovered its freedom, and it was not till after the Gallic conflagration that, in consequence of a violent war of thirteen years (365–377), the Romans gained a decided superiority in the Pomptine territory, which was secured by the founding of the fortresses Satricum (369) and Setia (372, strengthened 375), and was distributed into farm-allotments and tribes in the year 371 and following years. After this date the Volscians still rose in revolt perhaps, but they carried on no further war against Rome.

League with the Hernici. 486. 494. 442. 393. 467. 459. 389–377. 385. 382. 379. 383.

But the more decided the successes that the league of Romans, Latins, and Hernici achieved against the Etruscans, Sabines, Æqui, and Volsci, the more that league became liable to disunion. The reason lay partly in the increase of the hegemonic power of Rome, of which we have already spoken as necessarily springing out of the existing circumstances, but which nevertheless was felt as a heavy burden in Latium; partly in particular acts of odious injustice perpetrated by the leading community. Of this nature was especially the infamous sentence of arbitration between the Aricini and the Ardeates in 308, in which the Romans, called in to be arbiters regarding a border territory in dispute between the two communities, took it to themselves; and when that decision occasioned in Ardea internal

Crises within the Romano-Latin league. 446.

dissensions in which the people wished to join the Volsci, while the nobility adhered to Rome, these dissensions were still more disgracefully employed as a pretext for the despatch of Roman colonists to the wealthy city, amongst whom the lands of the adherents of the party opposed to
442. Rome were distributed (312). The main cause however of the internal dissolution of the league was the very subjugation of the common foe; forbearance ceased on one side, devotedness ceased on the other, from the time when they thought that they had no longer need of each other. The open breach between the Latins and Hernici on the one hand, and the Romans on the other, was specially occasioned, partly by the capture of Rome by the Celts and the momentary weakness which supervened, partly by the definitive occupation and distribution of the Pomptine territory. The former allies soon stood opposed in the field. Already Latin volunteers in great numbers had taken part in the
383. last despairing struggle of the Volsci: now the most famous
382–380. of the Latin cities, Lanuvium (371), Præneste (372–374,
354. 381. 400), Tusculum (373), Tibur (394, 400), and even several
360. 354. of the fortresses established in the Volscian land by the Romano-Latin league, such as Velitræ and Circeii, had to be subdued by force of arms, and the Tiburtines were not afraid even to make common cause against Rome with the once more advancing hordes of the Gauls. No concerted revolt however took place, and Rome mastered the individual towns without much trouble. Tusculum was even compelled
381. (in 373) to give up its commonwealth and to enter into the burgess-bond of Rome—the first instance of a whole people being incorporated with the Roman commonwealth—while it retained its walls and a sort of practical communal independence. Soon afterwards Satricum met the same fate.

362–358. The struggle with the Hernici was more severe (392–396); the first consular commander-in-chief belonging to the plebs, Lucius Genucius, fell in it; but here too the Romans were victorious. The crisis terminated with the renewal of the treaties between Rome and the Latin and Hernican confederacies in 396. The precise contents of these treaties are not known, but it is evident that both confederacies submitted once more, and probably on harder terms, to the Roman hegemony. The institution which took place in the same year of two new tribes in the Pomptine territory, shows clearly the mighty advances made by the Roman power.

Renewal of the treaties of alliance. 358.

In manifest connection with this crisis in the relations between Rome and Latium stands the closing of the Latin confederation,* which took place about the year 370, [384. Closing of the Latin confederation.

* In the list given by Dionysius (v. 61) of the thirty Latin federal cities, the only list which we possess, the names are the Ardeates, Aricini, Bovillani, Bubentani (site unknown), Corni (Corani?), Corventani (site unknown), Circienses, Coriolani, Corbintes, Cabani (unknown), Fortinei (unknown), Gabini, Laurentes, Lanuvini, Lavinates, Labicani, Nomentani, Norbani, Prænestini, Pedani, Querquetulani (site unknown), Satricani, Scaptini, Setini, Tellenii (site unknown), Tiburtini, Tusculani, Tolerini (site unknown), Tricrini (unknown), and Veliterni. The occasional notices of communities entitled to participate, such as of Ardea (Liv. xxxii. 1), Laurentum (Liv. xxxvii. 3), Bovillæ, Gabii, Labici (Cicero *pro Planc.* ix. 23) agree with this list. Dionysius gives it on occasion of the declaration of war by Latium against Rome in 256, and it was natural therefore to regard (as Niebuhr did) this list as derived from the well-known renewal of the league in 261. But as in this list, drawn up according to the Latin alphabet, the letter *g* appears in a position which it certainly had not at the time of the Twelve Tables and scarcely came to occupy before the fifth century (see my *Unteritalische Dial.* p. 33), it must be derived from a much more recent source; and it is by far the simplest hypothesis to recognize it as a list of those places which were afterwards regarded as the ordinary members of the Latin confederacy, and which Dionysius, in accordance with his custom of connecting the facts, specifies as its original component elements. It is to be noticed that the list presents not a single non-Latin community, not even Cære, but simply enumerates places originally Latin or occupied by Latin colonies—no one will lay stress on Corbio and Corioli as exceptions. Now if we compare with this list that of the Latin colonies, we find that of the nine which had been founded down to 369, Suessa Pometia, *Cora*, Signia, *Velitræ*, *Norba*, Antium (if this was really a Latin colony, see P. 355), *Ardea*, *Circeii*, and *Satricum*, the six marked in italics, and on the other hand, of those founded later Setia alone established in 372, occur in the Dionysian list. The Latin colonies therefore that were instituted before 370 were, but those founded subsequently were not, members participating in the Alban festival. The circumstance that Suessa Pometia and Antium are wanting in Dionysius is not inconsistent with this view, for both were lost again soon after their colonization, and Antium remained for a long time afterwards a chief fortress of the Volsci, while Suessa speedily perished. The only real inconsistency with the rule we have laid down is the absence of Signia and the occurrence of Setia; so that it is natural either to suggest that ΣΗΤΙΝΩΝ should be changed into ΣΙΓΝΙΝΩΝ, or to assume that the foundation of Setia had been already determined on before 370, and that Signia was among the non-voting communities. At any rate this isolated exception cannot affect a rule that otherwise so thoroughly applies. In entire harmony with what we might expect, all places are wanting in this list which were incorporated with the Roman community before 370—such as Ostia, Antemnæ, and Alba; whereas those incorporated later are retained in it, such as Tusculum, Satricum, Cora, Velitræ, all of which must have forfeited their sovereignty between 370 and 536.

As regards the list given by Pliny of thirty-two townships extinct in his time that had formerly participated in the Alban festival, after deduction of eight which also occur in Dionysius (for the Cusuetani of Pliny appear to be the Corventani of Dionysius, and the Tutienses of the former to be the Tricrini of

498.
493.
385.
382.
384.
438.
384.
384. 218.

although we cannot precisely determine whether it was the effect or, as is more probable, the cause of the revolt of Latium which we have just described. As the law had hitherto stood, every sovereign city founded by Rome and Latium took its place among the communes entitled to participate in the federal festival and diet, while on the other hand every community incorporated with another, and thereby politically annihilated, was erased from the ranks of the members of the league. At the same time, however, according to Latin use and wont, the number once fixed of thirty federate communities was so adhered to, that of the participating cities never more and never less than thirty were entitled to vote, and a number of the communities that were later in entering, or were disqualified for their trifling importance or for the crimes they had committed, were without the right of voting. In this way the confederacy
384. was constituted about 370 as follows. Of old Latin townships there were (besides some which have fallen into oblivion, or whose sites are unknown) still autonomous and entitled to vote, Nomentum, between the Tiber and the Anio; Tibur, Gabii, Scaptia, Labici,* Pedum, and Prænestе, between the Anio and the Alban range; Corbio, Tusculum, Bovillæ, Aricia, Corioli, and Lanuvium on the Alban range; lastly, Laurentum and Lavinium in the plain along the coast. To these fall to be added the colonies instituted by Rome and the Latin league; Ardea in the former territory of the Rutuli, and Velitræ, Satricum, Cora, Norba, Setia and Circeii in that of the Volsci. Besides, seventeen other places, whose names are not known with certainty, had the

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the latter), there remain twenty-four townships, most of them quite unknown, doubtless made up partly of those seventeen non-voting communities (many of which were perhaps the very oldest and subsequently disqualified members of the Alban festal league), partly of a number of other decayed or excluded members of the league, to which latter class in particular the ancient presiding township of Alba, also named by Pliny, belonged.

418. * Livy certainly states (iv. 47) that Labici became a colony in 336. But (apart from the fact that Diodorus [xiii. 6] says nothing of it) Labici cannot have been a burgess-colony, for the town did not lie on the coast, and besides, it appears subsequently as still in possession of autonomy; nor can it have been a Latin one, for there is not, nor can there from the nature of these foundations be, a single other example of a Latin colony established in the original Latium. Here as elsewhere it is most probable (especially as two *jugera* are named as the portion of land allotted) that a public assignation to the burgesses has been confounded with a colonial assignation (P. 195).

privilege of participation in the Latin festival without the right of voting. The Latin confederacy was thus composed of forty-seven townships entitled to participate and thirty entitled to vote, and on this footing it continued henceforward unalterably fixed. The Latin communities founded subsequently, such as Sutrium, Nepete (P. 344), Cales, and Tarracina, were not admitted into the confederacy, nor were the Latin communities subsequently divested of their autonomy, such as Tusculum and Satricum, erased from the list.

Fixing of the limits of Latium.

With this closing of the confederacy there was also connected the geographical settlement of the limits of Latium. So long as the Latin confederacy continued open, the bounds of Latium had advanced with the establishment of new federal cities: but as the later Latin colonies had no share in the Alban festival, they were not regarded geographically as part of Latium. For this reason Ardea and Circeii were reckoned as belonging to Latium, but not Sutrium or Tarracina.

Isolation of the later Latin cities as respected private rights. [384.

But not only were the places on which Latin privileges were bestowed after 370 kept aloof from the federal association; they were isolated also from one another as respected their private rights. While each of them was allowed to have reciprocity of commercial dealings, and probably also of marriage (*commercium et connubium*) with Rome, no such reciprocity was permitted with the other Latin communities. The burgess of Sutrium, for example, might possess in full property a piece of ground in Rome, but not in Præneste; and might beget legitimate children with a Roman, but not with a Tiburtine, wife.*

Prevention of separate alliances.

Hitherto considerable freedom of movement had been allowed within the confederacy. A separate league for instance of the five old Latin communities, Aricia, Tusculum, Tibur, Lanuvium, and Laurentum, and of the three new Latin, Ardea, Suessa Pometia, and Cora, had been permitted to group itself round the shrine of the Arician Diana. It is doubtless not the mere result of accident, that we find no further instance in later times of such special confederations fraught with danger to the hegemony of Rome.

* This restriction of the ancient full reciprocity of Latin privileges first occurs in the renewal of the treaty in 416 (Liv. viii. 14); but as the system of isolation, of which it was an essential part, first began in reference to the Latin colonies settled after 370, and was only generalized in 416, it is proper to mention the innovation here. 338. 384. 338.

Revision of the municipal constitutions. Police judges.

We may likewise assign to this epoch the further remodelling which the constitution of the Latin communities underwent, and their complete assimilation to the constitution of Rome. In after times two ædiles, intrusted with the police-supervision of markets and highways and the administration of justice in connection therewith, make their appearance side by side with the two prætors, as necessary elements of the Latin magistracy. The institution of these urban police functionaries must evidently have taken place at the same time and at the instigation of the leading power in all the towns of the federation, and certainly cannot have preceded the establishment of the curule
367. ædileship in Rome, which happened in 387; probably it took place about that very time. Beyond doubt the arrangement was only one of a series of measures curtailing the liberties and modifying the organization of the federal communities, in the interest of aristocratic policy.

Domination of the Romans; exasperation of the Latins.

After the fall of Veii, and the conquest of the Pomptine territory, Rome evidently felt herself powerful enough to tighten the reins of her hegemony, and to reduce the whole of the Latin cities to a position so dependent that they be-
348. came virtually her subjects. At this period (406) the Carthaginians, in a commercial treaty concluded with Rome, bound themselves to inflict no injury on the Latins who were subject to Rome, viz., the maritime towns of Ardea, Antium, Circeii, and Tarracina; if, however, any one of the Latin towns should revolt from the Roman alliance, the Phœnicians were to be allowed to attack it, but if they should conquer it, they were bound not to raze it, but to hand it over to the Romans. This plainly shows by what chains the Roman community bound to itself its dependencies, and how much a town, which dared to withdraw from the native protectorate, sacrificed or risked by such a course.

It is true that even now the Latin confederacy at least (if not also the Hernican) retained its formal title to a third of the gains of war, and perhaps some other remnants of the former equality of rights; but what was palpably lost was important enough to provoke the exasperation which at this period prevailed among the Latins against Rome. Not only did numerous Latin volunteers fight under foreign standards against the community at their head, wherever they found
349. armies in the field against Rome; but, in 405, the Latin

league itself resolved to refuse to the Romans its contingent. To all appearance a renewed rising of the whole Latin confederacy might be anticipated at no distant date; and at that very moment a collision was imminent with another Italian nation, which was able certainly to encounter on equal terms the united strength of the Latin stock. After the overthrow of the Volscians, no considerable people in the first instance opposed the Romans in the south; their legions unchecked approached the Liris. Already in 397 they had contended successfully with the Privernates; and in 409 with the Aurunci, from whom they wrested Sora on the Liris. Thus the Roman armies had reached the Samnite frontier; and the friendly alliance, which the two bravest and most powerful of the Italian nations concluded with each other in 400, was the sure token of an approaching struggle for the supremacy of Italy—a struggle which threatened to become interwoven with the dangerous crisis in the Latin nation.

Collision between the Romans and the Samnites.

357.

345.

354.

The Samnite nation, which, at the time of the expulsion of the Tarquins from Rome, had doubtless already been for a considerable period in possession of the hill-country which rises between the Apulian and Campanian plains and commands them both, had hitherto found its further advance impeded on the one side by the Daunii (the power and prosperity of Arpi fall within this period), on the other by the Greeks and Etruscans. But the fall of the Etruscan power towards the end of the third, and the decline of the Greek colonies in the course of the fourth century, made room for them towards the west and south; and now one Samnite horde after another marched down to, and even moved across, the south Italian seas. They first made their appearance in the plain adjoining the bay, with which the name of the Campanians has been associated from the beginning of the fourth century; the Etruscans there were suppressed, and the Greeks were confined within narrower bounds; Capua was wrested from the former (330), Cumæ from the latter (334). About the same time, perhaps even earlier, the Lucanians appeared in Magna Græcia: at the beginning of the fourth century they were involved in conflict with the people of Terina and Thurii; and a considerable time before 364 they had established themselves in the Greek Laüs. About this period their levy amounted to 30,000 infantry and 4000 cavalry. Towards the end of the fourth century,

Conquests of the Samnites in the south of Italy.

450.

450–350.

424.

420.

390.

mention first occurs of the separate confederacy of the Bruttii,* who had detached themselves from the Lucanians —not like the other Sabellian stocks, as a colony, but through a quarrel—and had become mixed up with many foreign elements. The Greeks of Lower Italy tried to resist the pressure of the barbarians. The league of the
393. Achæan cities was reconstructed in 361; and it was determined that, if any of the allied towns should be assailed by the Lucanians, all should furnish contingents, and that the leaders of contingents which did not appear should suffer the punishment of death. But even the union of Magna Græcia no longer availed; for the ruler of Syracuse, Dionysius the Elder, made common cause with the Italians against his countrymen. While Dionysius wrested from the fleets of Magna Græcia the mastery of the Italian seas, one Greek city after another was occupied or annihilated by the Italians. In an incredibly short time the circle of flourishing cities was destroyed or laid desolate. Only a few Greek settlements, such as Neapolis, succeeded with difficulty, and more by means of treaties than by force of arms, in preserving their existence and their nationality. Tarentum alone remained thoroughly independent and powerful, maintaining its ground in consequence of its more remote position, and of its preparation for war—the result of its constant conflicts with the Messapians. Even that city, however, had constantly to fight for its existence with the Lucanians, and was compelled to seek for alliances and mercenaries in the mother-country of Greece.

About the period when Veii and the Pomptine plain came into the hands of Rome, the Samnite hordes were already in possession of all Lower Italy, with the exception of a few unconnected Greek colonies, and of the Apulo-Messapian
336. coast. The Greek Periplus, composed about 418, sets down the Samnites proper with their "five tongues" as reaching from the one sea to the other; and specifies the Campanians as adjoining them on the Tyrrhene sea to the north, and the Lucanians to the south, amongst whom in this instance, as often, the Bruttii are included, and who already had the whole coast apportioned among them from Pæstum on the Tyrrhene, to Thurii on the Ionic, sea. In

* The name itself is very ancient, indeed it is the most ancient indigeneous name for the inhabitants of the present Calabria (Antiochus, *Fr.* 5. Müll.). The well-known derivation is doubtless an invention.

fact, to one who compares the achievements of the two great nations of Italy, the Latins and the Samnites, before they came into contact, the career of conquest on the part of the latter appears far wider and more splendid than that of the former. But the character of their conquests was essentially different. From the fixed urban centre which Latium possessed in Rome, the dominion of the Latin stock spread slowly on all sides, and lay within limits comparatively narrow; but it planted its foot firmly at every step, partly by the founding of fortified towns of the Roman type with the rights of dependent allies, partly by the Romanizing of the territory which it conquered. It was otherwise with Samnium. There was in its case no single leading community, and therefore no policy of conquest. While the conquest of the Veientine and Pomptine territories was for Rome a real enlargement of power, Samnium was weakened rather than strengthened by the rise of the Campanian cities, and of the Lucanian and Bruttian confederacies; for every swarm, which had sought and found new settlements, thenceforward pursued a path of its own. The Samnite tribes filled a disproportionately large space, while yet they showed no disposition to make it thoroughly their own. The larger Greek cities, Tarentum, Thurii, Croton, Metapontum, Heraclea, Rhegium, and Neapolis, although weakened and often dependent, continued to exist, and the Hellenes were tolerated even in the open country and in the smaller towns; Cumæ for instance, Posidonia, Laüs, and Hipponium, still remained (as the Periplus already mentioned, and coins show) Greek cities even under Samnite rule. Mixed populations thus arose; the bi-lingual Bruttii, in particular, included Hellenic as well as Samnite elements and even perhaps remains of the ancient autochthones; in Lucania and Campania also similar mixtures must, to a lesser extent, have taken place. The Samnite nation, moreover, could not resist the dangerous charm of Hellenic culture, least of all in Campania, where Neapolis early entered into friendly intercourse with the immigrants, and where the sky itself humanized the barbarians. Capua, Nola, Nuceria, and Teanum, although having a purely Samnite population, adopted Greek manners and a Greek civic constitution; in fact the indigenous cantonal form of constitution could not possibly subsist under these altered circumstances. The Samnite cities of Campania began to

Relations between the Samnites and the Greeks

Campanian Hellenism.

strike coins, some of them with Greek inscriptions; Capua became by its commerce and agriculture the second city in Italy in point of size—the first in point of wealth and luxury. The deep demoralization, in which according to the accounts of the ancients that city surpassed all others in Italy, is especially reflected in the mercenary recruiting, and in the gladiatorial sports, both of which pre-eminently flourished in Capua. Nowhere did recruiting officers find so numerous a concourse as in this metropolis of demoralized civilization; while Capua knew not how to save itself from the attacks of the Samnites, the warlike Campanian youth flocked forth in crowds, under self-elected *condottieri*, especially to Sicily. How deeply these soldiers of fortune influenced by their enterprises the destinies of Italy, we shall have afterwards to show; they form as characteristic a feature of Campanian life as the gladiatorial sports, which likewise, if they did not originate, were at any rate carried to perfection, in Capua. There sets of gladiators made their appearance even during banquets; and their number was proportioned to the rank of the guests invited. This degeneracy of the most important Samnite city—a degeneracy which beyond doubt was closely connected with the Etruscan habits that lingered there—must have been fatal for the nation at large. Although the Campanian nobility knew how to combine chivalrous valour and high mental culture with the deepest moral corruption, it could never become to its nation what the Roman nobility was to the Latin. Hellenic influence had a similar, though less powerful, effect on the Lucanians and Bruttians as on the Campanians. The objects discovered in the tombs throughout all these regions show how Greek art was cherished there in barbaric luxuriance; the rich ornaments of gold and amber and the magnificent painted pottery, such as are now disinterred from the abodes of the dead, enable us to conjecture how extensive had been their departure from the ancient manners of their fathers. Other indications are preserved in their writing. The old national writing which they had brought with them from the north was abandoned by the Lucanians and Bruttii, and exchanged for Greek; while in Campania the national alphabet, and perhaps also the language, developed itself under the influence of the Greek model into greater clearness and delicacy. We meet even with isolated traces of the influence of Greek philosophy.

The Samnite land, properly so called, alone remained unaffected by these innovations, which, beautiful and natural as they may to some extent have been, powerfully contributed to relax still more the bond of national unity which from the first was loose. Through the influence of Hellenic habits a deep schism took place in the Samnite stock. The civilized "Philhellenes" of Campania were accustomed to tremble, like the Hellenes themselves, before the ruder tribes of the mountains, who were continually penetrating into Campania and disturbing the degenerate earlier settlers. Rome was a compact state, having the strength of all Latium at its disposal; its subjects might murmur, but they obeyed. The Samnite stock was dispersed and divided; and while the confederacy in Samnium proper had preserved unimpaired the manners and valour of their ancestors, they were on that very account completely at variance with the other Samnite tribes and townships. The Samnite confederacy.

In fact, it was this variance between the Samnites of the plain and the Samnites of the mountains, that led the Romans over the Liris. The Sidicini in Teanum, and the Campanians in Capua, sought aid from the Romans (411) against their own countrymen, who, in swarms ever renewed, ravaged their territory and threatened to establish themselves there. When the desired alliance was refused, the Campanian envoys made offer of the submission of their country to the supremacy of Rome; and the Romans were unable to resist the bait. Roman envoys were sent to the Samnites to inform them of the new acquisition, and to summon them to respect the territory of the friendly power. The further course of events can no longer be ascertained in detail;* we discover only that, whether after a campaign or Submission of Capua to Rome. 343. Rome and Samnium come to terms.

* Perhaps no section of the Roman annals has been more deformed than the narrative of the first Samnite-Latin war, as it stands or stood in Livy, Dionysius, and Appian. It is somewhat to the following effect. After both consuls had marched into Campania in 411, first the consul Marcus Valerius Corvus gained a severe and bloody victory over the Samnites at Mount Gaurus; then his colleague, Aulus Cornelius Cossus gained another, after he had been rescued from annihilation in a narrow pass by the self-devotion of a division led by the military tribune Publius Decius. The third and decisive battle was fought by both consuls at the entrance of the Caudine Passes near Suessula; the Samnites were completely vanquished (forty thousand of their shields were picked up on the field of battle), and they were compelled to make a peace, in which the Romans retained Capua, which had given itself over to their possession, while they left Teanum to the Samnites (413). Congratulations came from all sides, even from Carthage. The Latins, who had refused 343.

without the intervention of a war, Rome and Samnium came to an agreement, by which Capua was left at the disposal of the Romans, Teanum in the hands of the Samnites, and the

their contingent and seemed to be arming against Rome, turned their arms not against Rome but against the Pæligni, while the Romans were occupied
342. first with a military conspiracy of the garrison left behind in Campania (412),
341. then with the capture of Privernum (413) and the war against the Antiates. But now a sudden and singular change occurred in the position of parties. The Latins, who had demanded in vain Roman citizenship and a share in the consulate, rose against Rome in conjunction with the Sidicines, who had vainly offered to submit to the Romans and knew not how to save themselves from the Samnites, and with the Campanians who were already tired of the Roman rule. Only the Laurentes in Latium, and the *equites* of Campania adhered to the Romans, who on their part found support among the Pæligni and Samnites. The Latin army fell upon Samnium; the Romano-Samnite army, after it had marched to the Fucine lake and from thence, avoiding Latium, into Campania, fought the decisive battle against the combined Latins and Campanians at Vesuvius; the consul Titus Manlius Imperiosus, after he had himself restored the wavering discipline of the army by the execution of his own son who had slain a foe in opposition to orders from head-quarters, and after his colleague Publius Decius Mus had appeased the gods by sacrificing his life, at length gained the victory by calling up the last reserves. But the war was only terminated by a second battle, in which the consul Manlius engaged the Latins and Campanians near Trifanum; Latium and Capua submitted, and were mulcted in a portion of their territory.

The judicious and honest reader will not fail to observe that this report swarms with all sorts of impossibilities. Such are the statement of the An-
377. tiates waging war after the surrender of 377 (Liv. vi. 33); the independent campaign of the Latins against the Pæligni, in distinct contradiction to the stipulations of the treaties between Rome and Latium; the unprecedented march of the Roman army through the Marsian and Samnite territory to Capua, while all Latium was in arms against Rome; to say nothing of the equally con-
342. fused and sentimental account of the military insurrection of 412, and the story of its compulsory leader, the lame Titus Quinctius, the Roman Götz von Berlichingen. Still more suspicious, perhaps, are the repetitions. Such is the story of the military tribune Publius Decius, modelled on the courageous deed of Marcus Calpurnius Flamma; or whatever he was called, in the first Punic war; such is the recurrence of the conquest of Privernum by Gaius Plautius in the
329. year 425, which second conquest alone is registered in the triumphal Fasti; such is the self-immolation of Publius Decius, repeated, as is well known, in the case
295. of his son in 459. Throughout this section the whole representation betrays a different period and a different hand from the other more credible accounts of the annals. The narrative is full of detailed pictures of battles; of inwoven anecdotes, such as that of the prætor of Setia, who breaks his neck on the steps of the senate-house, because he had been audacious enough to solicit the consulship, and the various anecdotes concocted out of the surname of Titus Manlius; and of prolix and somewhat suspicious archæological digressions. In this class we include the history of the legion (of which the notice, most probably apocryphal, in Liv. i. 52, regarding the maniple of Romans and Latins intermingled formed by the second Tarquin, is evidently another fragment); the erroneous view given of the treaty between Capua and Rome (see my *Röm. Münz-*

upper Liris in those of the Volscians. The consent of the Samnites to treat is explained by the energetic exertions made about this very period by the Tarentines to get quit of their Sabellian neighbours. But the Romans also had good reason for coming to terms as quickly as possible with the Samnites; for the impending transition of the region bordering on the south of Latium into the possession of the Romans converted the ferment that had long existed among the Latins into open insurrection. All the original Latin towns, even the Tusculans who had been received into the burgess-bond of Rome, declared against Rome, with the single exception of the Laurentes, whereas all the Roman colonies in Latium, with the exception of Velitræ, adhered to the Roman alliance. We can readily understand how the Capuans, notwithstanding their very recent and voluntarily offered submission to the Romans, should eagerly embrace the first opportunity of again ridding themselves of the Roman rule and, in spite of the opposition of the aristocratic party that adhered to the treaty with Rome, should make common cause with the Latin confederacy, and how the Volscians should no less recognize in this Latin revolt the last chance of recovering their freedom and should likewise take to arms; but we do not know through what motives the Hernici abstained, like the Campanian aristocracy, from taking part in the revolt. The position of the Romans was critical; the legions which had crossed the Liris and occupied Campania were cut off by the revolt of the Latins and Volsci from their home, and a victory alone could save them. The decisive battle was fought near Trifanum (between Minturnæ, Suessa, and Sinuessa) in 414; the consul Titus Manlius Imperiosus Torquatus achieved a complete victory over the united Latins and Campanians. In the two following years the several towns of the Latins and Volsci, so far as they still offered resistance, were reduced by capitulation or assault, and the whole country was brought into subjection.

Revolt of the Latins and Campanians against Rome.

Victory of the Romans. 340.

The effect of the victory was the dissolution of the Latin

Dissolution of the Latin league.

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vesen, p. 334, n. 122); the formularies of self-devotion, the Campanian *denarius*, the Laurentine alliance, and the *bina jugera* in the assignation (P. 358 n.). Under such circumstances it appears a fact of great importance that Diodorus, who follows other and often older accounts, knows absolutely nothing of any of these events except the last battle of Trifanum; a battle in fact that ill accords with the rest of the narrative, which, in accordance with the rules of poetical justice, ought to have concluded with the death of Decius.

league. It was transformed from an independent political federation into a mere association for the purpose of a religious festival; the ancient stipulated rights of the confederacy as to a maximum in the levy of troops and a share in the gains of war perished, as such, along with it, and assumed, where they were recognized in future, the character of acts of grace. Instead of the one treaty between Rome on the one hand and the Latin confederacy on the other, perpetual alliances were entered into between Rome and the several confederate towns. The principle of isolating the communities from each other, which had already been established
384. in regard to the places founded after 370 (P. 359), was thus extended to the whole Latin nation. In other respects the several places retained their former privileges and their autonomy. Tibur and Præneste however had to cede portions of their territory to Rome, and with still greater harshness the rights of war were asserted against other Latin or Volscian communities. Roman colonists were sent to Antium, the most important and, by land as well as by sea, the strongest city of the Volsci, and the old burgesses were compelled not only to give up the necessary lands to the new comers, but also themselves to enter into the
338. burgess-bond of Rome (416). Roman settlers in like
329. manner proceeded a few years afterwards (425) to Tarracina, the second of the Volscian coast towns in importance, and there too the old burgesses were either ejected or incorporated with the new colony. Lanuvium, Aricia, Nomentum, and Pedum also lost their independence and became Roman *municipia*. The walls of Velitræ were demolished, the senate was ejected *en masse* and deported to the interior of Roman Etruria, and the town was probably constituted a dependent community with Cæritc rights. Of the land acquired a portion—the estates, for instance, of the senators of Velitræ—was distributed to the Roman burgesses: these special assignations and the numerous communities recently admitted into citizenship gave rise to the institution of two
332. new tribes in 422. The deep sense which prevailed in Rome of the enormous importance of the result achieved is attested by the honorary column, which was erected in the Roman
338. Forum to the victorious dictator of 416, Gaius Mænius, and by the decoration of the orators' platform in the same place with the beaks taken from the galleys of Antium that were found unserviceable.

Colonizations in the land of the Volsci.

In like manner, although with some difference of form, the dominion of Rome was established and confirmed in the south Volscian and Campanian territories. Fundi, Formiæ, Capua, Cumæ, and a number of smaller towns became communities dependent on Rome with the rights of Cære. To secure the pre-eminently important city of Capua, the breach between the nobility and commons was artfully widened, and the general administration was revised and controlled in the interest of Rome. The same treatment was measured out to Privernum, whose citizens, supported by Vitruvius Vaccus a bold partisan belonging to Fundi, had the honour of fighting the last battle for Latin freedom; the struggle ended with the storming of the town (425) and the execution of Vaccus in a Roman prison. In order to rear a population devoted to Rome in these regions, they distributed, out of the lands won in war particularly in the Privernate and Falernian territories, so numerous allotments to Roman burgesses, that a few years later (436) they were able to institute there two new tribes. The establishment of two fortresses as colonies with Latin rights finally secured the newly won land. These were Cales (420) in the middle of the Campanian plain, whence the movements of Teanum and Capua could be observed, and Fregellæ (426), which commanded the passage of the Liris. Both colonies were unusually strong, and rapidly became flourishing, notwithstanding the obstacles which the Sidicines interposed to the founding of Cales, and the Samnites to that of Fregellæ. A Roman garrison was also despatched to Sora, a step of which the Samnites, to whom this district had been left by the treaty, complained with reason, but in vain. Rome pursued her purpose with undeviating steadfastness, and displayed her energetic and far-reaching policy, more even than on the battle-field, in the securing of the territory which she gained by enveloping it politically and militarily in a net whose meshes could not be broken.

Complete submission of the Volscian and Campanian provinces. 329. 318. 334. 328.

That the Samnites could not behold the threatening progress of the Romans with satisfaction, is plain, and they probably put obstacles in its way; nevertheless they neglected to intercept the new career of conquest, while there was still perhaps time to do so, with that energy which the circumstances required. They appear indeed in accordance with their treaty with Rome to have occupied and strongly garrisoned Teanum; for while in earlier times that city sought

Inaction of the Samnites.

help against Samnium from Capua and Rome, in the later struggles it appears as the bulwark of the Samnite power on the west. It is true that they spread, conquering and destroying, on the upper Liris, but they neglected to establish themselves permanently in that quarter. They destroyed the Volscian town Fregellæ—by which they simply facilitated the institution of the Roman colony there which we have just mentioned—and they so terrified two other Volscian towns, Fabrateria (Falvaterra) and Luca (site unknown), that, following the example of Capua, these surren-
330. dered themselves to the Romans (424). The Samnite confederacy allowed the Roman conquest of Campania to be completed before they in earnest opposed it; and the reason for their doing so is to be sought partly in the contemporary hostilities between the Samnite nation and the Italian Greeks, but principally in the remiss and distracted policy which the confederacy pursued.

CHAPTER VI.

STRUGGLE OF THE ITALIANS AGAINST ROME.

Wars between the Sabellians and Tarentines.

While the Romans were fighting on the Liris and Volturnus, other conflicts agitated the south-east of the peninsula. The wealthy merchant-republic of Tarentum, daily exposed to more serious peril from the Lucanian and Messapian bands, and justly distrusting its own sword, gained by good words and better coin the help of *condottieri* from the mother-country. The Spartan king, Archidamus, who with a strong band had come to the assistance of his fellow-Dorians, succumbed to the Lucanians on the same day on which Philip conquered at Chæronea (416); a retribution, in the belief of the pious Greeks, for the share which, nineteen years previously, he and his people had taken in pillaging the sanctuary of Delphi. His place was taken by an abler commander, Alexander the Molossian, brother of Olympias the mother of Alexander the Great. In addition to the troops which he had brought along with him, he united under his banner the contingents of the Greek cities, especially those of the Tarentines and Metapontines; the Pœdiculi (around Rubi, now Ruvo), who, like the Greeks, found themselves in danger from the Sabellian nation; and lastly, even Lucanian exiles themselves, whose considerable numbers point to the existence of violent internal disorganization in that confederacy. Thus he soon found himself superior to the enemy. Consentia (Cosenza), which seems to have been the federal headquarters of the Sabellians settled in Magna Græcia, fell into his hands. In vain the Samnites came to the help of the Lucanians; Alexander defeated their combined forces near Pæstum. He subdued the Daunians around Sipontum,

Archidamus.

338.

Alexander the Molossian.

and the Messapians in the eastern peninsula; he already commanded from sea to sea, and was on the point of arranging with the Romans a joint attack on the Samnites in their native abodes. But successes so unexpected went beyond the desires of the Tarentine merchants, and filled them with alarm. War broke out between them and their captain, who had come amongst them a hired mercenary and now appeared desirous to found an Hellenic empire in the west like his nephew in the east. Alexander had at first the advantage; he wrested Heraclea from the Tarentines, restored Thurii, and seems to have called upon the other Italian Greeks to unite under his protection against the Tarentines, while he at the same time tried to bring about a peace between them and the Sabellian tribes. But his grand projects found only feeble support among the degenerate and desponding Greeks, and the forced change of sides alienated from him his former Lucanian adherents: he fell at Posidonia by the hand of a
332. Lucanian emigrant (422).* On his death matters substantially reverted to their old position. The Greek cities found themselves once more isolated and once more left to protect themselves as best they might, by treaty or payment of tribute, or even by external aid; Croton for in-
324. stance repulsed the Bruttii, about 430, with the help of the Syracusans. The Samnite tribes acquired renewed ascendancy, and were able, without troubling themselves about the Greeks, once more to direct their thoughts towards Campania and Latium.

But there during the brief interval a prodigious change had occurred. The Latin confederacy was broken and shattered, the last resistance of the Volsci was overcome, the province of Campania, the richest and finest in the peninsula, was in the undisputed and well-secured possession of the Romans, and the second city of Italy was a dependency of Rome. While the Greeks and Samnites were contending with each other, Rome had almost without a contest raised herself to a position of power which no single people in the peninsula possessed the means of shaking, and which

* It may not be superfluous to mention that our knowledge of Archidamus and Alexander is derived from Greek annals, and that the synchronism between these and the Roman is in reference to the present epoch only approximately established. We must beware, therefore, of pursuing too far into detail the unmistakeable general connection between the events of the West and those of the East.

threatened to render all of them subject to her yoke. Joint exertion on the part of the peoples who were not singly a match for Rome might perhaps still burst the chains, ere they became fastened completely. But the clearness of perception, the courage, the self-sacrifice required for such a coalition of numerous peoples and cities, that had hitherto been for the most part foes or at any rate had been strangers to each other, were not to be found at all, or were found only when it was already too late.

Coalition of the Italians against Rome.

After the fall of the Etruscan power and the weakening of the Greek republics, the Samnite confederacy was beyond doubt, next to Rome, the most considerable power in Italy, and at the same time that which was most closely and immediately endangered by Roman encroachments. To its lot therefore fell the foremost place and the heaviest burden in that struggle for freedom and nationality, which the Italians had to wage against Rome. It might reckon upon the assistance of the small Sabellian tribes, the Vestini, Frentani, Marrucini, and other smaller cantons, who in rural seclusion dwelt amidst their mountains, but were not deaf to the appeal of a kindred stock calling them to take up arms in defence of their common possessions. The assistance of the Campanian Greeks and those of Magna Græcia (especially the Tarentines), and of the powerful Lucanians and Bruttians, would have been of greater importance; but the remissness and supineness of the demagogues ruling in Tarentum and the entanglement of the city in the affairs of Sicily on the one hand, the internal distractions of the Lucanian confederacy on the other, and above all the deep hostility that had subsisted for centuries between the Greeks of Lower Italy and their Lucanian oppressors, scarcely permitted the hope that Tarentum and Lucania would make common cause with the Samnites. From the Marsi, the nearest neighbours of the Romans, and who had long lived in peaceful relations with Rome, little more could be expected than lukewarm sympathy or neutrality. The Apulians, the ancient and bitter antagonists of the Sabellians, were the natural allies of the Romans. On the other hand it might be expected that the more remote Etruscans would join the league when the first success should be gained; and even a revolt in Latium and the land of the Volsci and Hernici was not impossible. But the Samnites—the Ætolians of Italy, in whom national vigour still lived unim-

paired—had mainly to rely on their own energies for such perseverance in the unequal struggle as would give the other peoples time for a generous sense of shame, for calm deliberation, and for the mustering of their forces; a single success might then kindle the flames of war and insurrection all around Rome. History cannot but do the noble people the justice of acknowledging that they understood and performed their duty.

Outbreak of war between Samnium and Rome. [328.

Differences had already for several years existed between Rome and Samnium in consequence of the continual aggressions, in which the Romans indulged on the Liris, and of which the founding of Fregellæ in 426 was the most recent and most important. But it was the Greeks of Campania that gave occasion to the outbreak of the contest. The twin cities of Palæopolis and Neapolis, which seem to have been politically united and to have ruled over the Greek islands in the bay, were the only communities not yet reduced to subjection within the Roman territory. The Tarentines and Samnites, informed of the scheme of the Romans to obtain possession of these towns, resolved to anticipate them; and while the Tarentines were too remiss perhaps rather than too distant for the execution of this plan, the Samnites actually threw a strong garrison into Palæopolis. The Romans immediately declared war nominally against the Palæopolitans, really against the Samnites (427), and began the siege of Palæopolis. After it had lasted a while, the Campanian Greeks became weary of the disturbance of their commerce and of the foreign garrison; and the Romans, whose whole efforts were directed to keep states of the second and third rank, by means of separate treaties, aloof from the coalition which was about to be formed, hastened, as soon as the Greeks consented to negotiate, to offer them the most favourable terms—full equality of rights and exemption from land service, equal alliance and perpetual peace. Upon these conditions, after the Palæopolitans had rid themselves of the garrison by stratagem, a treaty was concluded (428).

Pacification of Campania.

327.

326.

The Sabellian towns to the south of the Volturnus, Nola, Nuceria, Herculaneum, and Pompeii, took part with Samnium in the beginning of the war; but partly the great exposure of their situation, partly the machinations of the Romans, who endeavoured to bring over to their side the aristocratic party in these towns by all the levers of artifice and self-interest, and found a powerful support to their

endeavours in the precedent of Capua, induced these towns to declare themselves either neutral or in favour of Rome, not long after the fall of Palæopolis.

Alliance between the Romans and Lucanians.

A still more important success befel the Romans in Lucania. There also the people with true instinct was in favour of joining the Samnites; but, as an alliance with the Samnites involved peace with Tarentum and a large portion of the governing lords of Lucania were not disposed to suspend their profitable pillaging expeditions, the Romans succeeded in concluding an alliance with Lucania—an alliance which was invaluable, because it provided employment for the Tarentines, and thus left the whole power of Rome available against Samnium.

War in Samnium.

Thus Samnium stood on all sides unsupported; excepting that some of the eastern mountain districts sent their contingents. In the year 428 the war began within the Samnite land itself: some towns on the Campanian frontier, Rufræ (between Venafrum and Teanum) and Allifæ, were occupied by the Romans. In the following years the Roman armies penetrated Samnium, fighting and pillaging, as far as the territory of the Vestini, and even as far as Apulia, where they were received with open arms; everywhere they had very decidedly the advantage. The courage of the Samnites was broken; they sent back the Roman prisoners, and along with them the dead body of the leader of the war party, Brutulus Papius, who had anticipated the Roman executioners, when the Samnite national assembly determined to ask the enemy for peace and to procure for themselves more tolerable terms by the surrender of their bravest general. But when the humble, almost suppliant, request was not listened to by the Roman *comitia* (432), the Samnites, under their new general, Gaius Pontius, prepared for the utmost and most desperate resistance. The Roman army, which under the two consuls of the following year (433), Spurius Postumius and Titus Veturius, was encamped near Calatia (between Caserta and Maddaloni), received accounts, confirmed by the affirmation of numerous captives, that the Samnites had closely invested Luceria, and that that important town, on which depended the possession of Apulia, was in great danger. They broke up in haste. If they wished to arrive in good time no other line of march could be taken than right through the enemy's territory—where afterwards, in continuation of the Appian

326.

322.

321.

The Caudine Pass and the Caudine peace.

Way, a Roman road was constructed from Capua by way of Beneventum to Apulia. This route led, between the present villages of Arpaja and Montesarchio,* through a watery meadow which was wholly enclosed by high and steep wooded hills, and was only accessible through deep defiles at the entrance and outlet. Here the Samnites had posted themselves in ambush. The Romans, who had entered the valley unopposed, found its outlet obstructed by abattis, and strongly occupied; on marching back they saw that the entrance was similarly closed, while at the same time the crests of the surrounding mountains were crowned by Samnite cohorts. They perceived, when it was too late, that they had suffered themselves to be misled by a stratagem, and that the Samnites awaited them, not at Luceria, but in the fatal pass of Caudium. They attacked, but without hope of success, and without definite aim; the Roman army was totally unable to manœuvre, and was completely vanquished without a struggle. The Roman generals offered to capitulate. It is only a foolish rhetoric that represents the Samnite general as shut up to the alternatives of either dismissing or slaughtering the Roman army; he could not have done better than accept the offered capitulation and make prisoners of the hostile army—the whole force which for the moment the Roman community could bring into action—with both its commanders-in-chief. In that case the way to Campania and Latium would have stood open, and in the then existing state of feeling when the Volsci and Hernici and the larger portion of the Latins would have received him with open arms, Rome's political existence would have been in serious danger. But instead of taking this course, and concluding a military convention, Gaius Pontius thought that he could at once terminate the quarrel by an equitable peace; whether it was that he shared that foolish longing of the confederates for peace to which Brutulus Papius had fallen a victim in the previous year, or whether it was that he was unable to prevent the party which was tired of the contest from spoiling his unexampled victory. The

* The general position of the place is certain enough, for Caudium certainly lay near Arpaja; but it is more doubtful whether the valley between Arpaja and Montesarchio is meant, or that between Arienzo and Arpaja, for the latter appears to have been since that time raised by natural agencies at least one hundred palms. I follow the current hypothesis, without undertaking to defend it.

terms laid down were moderate enough; Rome was to raze the fortresses which she had constructed in defiance of the treaty—Cales and Fregellæ—and to renew her equal alliance with Samnium. After the Roman generals had agreed to these terms and given six hundred *equites* as hostages for their faithful execution, and, further, they and all their staff-officers had pledged their word on oath to the same effect, the Roman army was dismissed, uninjured, but disgraced; for the Samnite army, drunk with victory, could not resist the desire to subject their hated enemies to the disgraceful formality of laying down their arms and passing under the yoke.

But the Roman senate, regardless of the oath of their officers and of the fate of the hostages, cancelled the agreement, and contented themselves with surrendering to the enemy those who had concluded it as personally responsible for its fulfilment. Impartial history can attach little importance to the question whether in so doing the casuistry of Roman advocates and priests kept the letter of the law, or whether the decree of the Roman senate violated it; under a human and political point of view no blame in this matter rests upon the Romans. It was a question of comparative indifference whether, according to the formal state law of the Romans, the general in command was or was not entitled to conclude peace without reserving its ratification by the burgesses. According to the spirit and practice of the constitution, it was quite an established principle that every state-agreement, not purely military, in Rome pertained to the province of the civil authorities, and a general who concluded peace, without the instructions of the senate and the burgesses, exceeded his powers. It was a greater error on the part of the Samnite general to give the Roman generals the choice between saving their army and exceeding their powers, than it was on the part of the latter that they had not the magnanimity absolutely to reject the suggestion; and it was right and necessary that the Roman senate should reject such an agreement. A great nation does not surrender what it possesses, except under the pressure of extreme necessity: all treaties making concessions are acknowledgments of such a necessity, not moral obligations. If every people justly reckons it a point of honour to tear to pieces by force of arms treaties that are disgraceful, how could honour enjoin a patient adherence to a convention like the Caudine to which an unfortunate general was

morally compelled, while the sting of the recent disgrace was keenly felt, and the nation's vigour subsisted unimpaired?

Victories of the Romans.

Thus the convention of Caudium did not produce the rest which the enthusiasts for peace in Samnium had foolishly expected from it, but only led to war after war with exasperation aggravated on either side by the opportunity forfeited, by the breach of a solemn engagement, by military honour disgraced, and by comrades that had been abandoned. The Roman officers given up were not received by the Samnites, partly because they were too magnanimous to wreak their vengeance on those unfortunates, partly because they would thereby have admitted the Roman plea that the agreement bound only those who made it, not the Roman state. Magnanimously they spared even the hostages whose lives had been forfeited by the rules of war, and preferred to resort at once to arms. Luceria was occupied by them and
320. Fregellæ surprised and taken by assault (434) before the Romans had reorganized their broken army; the junction of the Satricans with the Samnites shows what they might have accomplished, had they not allowed their advantage to slip through their hands. But Rome was only momentarily paralyzed, not weakened; full of shame and indignation the Romans raised all the men and means they could, and placed the highly experienced Lucius Papirius Cursor, equally distinguished as a soldier and as a general, at the head of the newly formed army. The army divided; the one half marched by Sabina and the Adriatic coast to appear before Luceria, the other proceeded to the same destination through Samnium itself, successfully engaging and driving before it the Samnite army. They formed a junction again under the walls of Luceria, the siege of which was prosecuted with the greater zeal, because the Roman *equites* lay in captivity there; the Apulians, particularly the Arpani, lent the Romans important assistance in the siege, especially by procuring supplies. After the Samnites had given battle for the relief of the town and been defeated, Luceria surren-
319. dered to the Romans (435). Papirius enjoyed the double satisfaction of liberating his comrades, who had been given up for lost, and of retaliating the yoke of Caudium on the
319–317. Samnite garrison of Luceria. In the next years (435–437) the war was carried on* not so much in Samnium itself as

* That a formal armistice for two years subsisted between Rome and Sam-
318–317. nium, in 436-437, is more than improbable.

in the adjoining districts. In the first place the Romans chastised the allies of the Samnites in the Apulian and Frentanian territories, and concluded new conventions with the Teanenses of Apulia and the Canusini. At the same time Satricum was again reduced to subjection and severely punished for its revolt. Then the war turned to Campania, where the Romans conquered the frontier town towards Samnium, Saticula (perhaps S. Agata de' Goti) (438). But now the fortune of war seemed disposed once more to turn against them. The Samnites gained over the Nucerians (438), and soon afterwards the Nolans, to their side; on the upper Liris the Sorani of themselves expelled the Roman garrison (439); the Ausonians were preparing to rise, and threatened the important Cales; even in Capua the party opposed to Rome was vigorously stirring. A Samnite army advanced into Campania, and encamped before the city, in the hope that its presence might place the national party in the ascendant (440). But Sora was immediately attacked by the Romans and recaptured after the defeat of a Samnite relieving force (440). The movements among the Ausonians were suppressed with cruel rigour ere the insurrection fairly broke out, and at the same time a special dictator was nominated to institute and decide political processes against the leaders of the Samnite party in Capua, so that the most illustrious of them died a voluntary death to escape from the Roman executioner (440). The Samnite army before Capua was defeated and compelled to retreat from Campania; the Romans, following close at the heels of the enemy, crossed the Matese and encamped in the winter of 440 before Bovianum, the capital of Samnium. Nola was thus abandoned by its allies; and the Romans had the sagacity to detach the town for ever from the Samnite party by a very favourable convention, similar to that concluded with Neapolis (441). Fregellæ, which after the catastrophe of Caudium had fallen into the hands of the party adverse to Rome and had been their chief stronghold in the district on the Liris, finally fell in the eighth year after its occupation by the Samnites (441); two hundred of the citizens, the chiefs of the national party, were conveyed to Rome, and there openly beheaded in the Forum as an example and a warning to the patriots who were everywhere bestirring themselves.

316. 316. 315. 314. 314. 314. 314. 313. 313.

Apulia and Campania were thus in the hands of the

New fortresses in Apulia and Campania. 314–312.

Romans. In order finally to secure and permanently to command the conquered territory, a number of new fortresses were founded in it during the years 440–442: Luceria in Apulia, to which on account of its isolated and exposed situation half a legion was sent as a permanent garrison; Pontiæ (the Ponza islands) for the securing of the Campanian waters; Saticula on the Campano-Samnite frontier, as a bulwark against Samnium; and lastly Interamna (near Monte Cassino) and Suessa Aurunca (Sessa) on the road from Rome to Capua. Garrisons moreover were sent to Calatia, Sora, and other stations of military importance. The great military road from Rome to Capua, which with the necessary embankment for it across the Pomptine marshes the censor, Appius Claudius, caused to be constructed in 442, completed the securing of Campania. The designs of the Romans were more and more fully developed. Their object was the subjugation of Italy, which was enveloped more closely from year to year in a network of Roman fortresses and roads. The Samnites were already on both sides surrounded by the Roman meshes; already the line from Rome to Luceria severed north and south Italy from each other, as the fortresses of Cora and Norba had formerly severed the Volsci and Æqui; and Rome now rested on the Arpani as it formerly rested on the Hernici. The Italians could not but see that their freedom was gone if Samnium succumbed, and that it was high time at length to hasten with all their might to the support of the brave mountain people which had now for fifteen years singly sustained the unequal struggle with the Romans.

312.

Intervention of the Tarentines.

The most natural allies of the Samnites would have been the Tarentines, but it was part of that fatality that hung over Samnium and over Italy in general, that at this moment, so fraught with the destinies of the future, the decision lay in the hands of these Athenians of Italy. Since the constitution of Tarentum, which was originally after the old Doric fashion strictly aristocratic, had become changed to a complete democracy, a life of singular activity had sprung up in that city, which was inhabited chiefly by mariners, fishermen, and mechanics. The sentiments and conduct of the population, wealthy rather than noble, discarded all serious views amidst the giddy bustle and brilliance of their daily life, and oscillated between the grandest boldness of enterprise and elevation of spirit on the one hand, and a shameful

frivolity and childish whim on the other. It may not be out of place, in connection with a crisis wherein the existence or destruction of nations of noble gifts and ancient renown was at stake, to mention that Plato, who came to Tarentum some sixty years before this time (according to his own state- 389.
ment) saw the whole city drunk at the Dionysia, and that the burlesque farce, or "merry tragedy" as it was called, was created in Tarentum about the very time of the great Samnite war. This licentious elegance and licentious poetry of the Tarentine fashionables and literati had its fitting counterpart in the inconstant, arrogant, and short-sighted policy of the Tarentine demagogues, who as a rule meddled in matters with which they had nothing to do, and kept aloof where their immediate interests called for action. After the Caudine catastrophe, when the Romans and Samnites stood opposed in Apulia, they had sent envoys thither to enjoin both parties to lay down their arms (434). This diplomatic 320.
intervention in the decisive struggle of the Italians could have, in reason, no other meaning than that of an announcement that Tarentum had at length resolved to abandon the neutrality it had hitherto maintained. It had in fact sufficient reason so to do. It was no doubt a difficult and dangerous thing for Tarentum itself to be entangled in such a war, for the democratic development of the state had directed its energies entirely to the fleet, and while that fleet, resting upon the numerous commercial marine of Tarentum, held the first rank among the maritime powers of Magna Græcia, the land force, on which they were in the present case dependent, consisted mainly of hired soldiers and was sadly disorganized. Under these circumstances it was no light undertaking for the Tarentine republic to take part in the conflict between Rome and Samnium, even apart from what was at least a troublesome feud, in which Roman policy had contrived to involve them with the Lucanians. But these obstacles might be surmounted by an energetic will, and both the contending parties construed the summons of the Tarentine envoys as meant in earnest. The Samnites, as the weaker, showed themselves ready to comply with it; the Romans replied by hoisting the signal for battle. Reason and honour dictated to the Tarentines the propriety of now following up the haughty injunction of their envoys by a declaration of war against Rome; but in Tarentum neither reason nor honour characterized the government, and they

had simply been childishly trifling with very serious matters. No declaration of war against Rome took place; in its stead they preferred to support the oligarchical party in the Sicilian towns against Agathocles of Syracuse who had at a former period been in the Tarentine service and had been dismissed in disgrace, and following the example of Sparta, they sent a fleet to the island—a fleet which would have rendered better service in the Campanian seas (440).

314.

Accession of the Etruscans to the coalition. 311. 351.

The peoples of northern and central Italy, who seem to have been roused especially by the establishment of the fortress of Luceria, acted with more energy. The Etruscans first broke off (443), the armistice of 403 having already expired some years before. The Roman frontier-fortress of Sutrium had to sustain a two years' siege, and in the hot conflicts which took place under its walls the Romans as a rule were worsted, till the consul of the year 444, Quintus Fabius Rullianus, a leader who had gained experience in the Samnite wars, not only restored the ascendancy of the Roman arms in Roman Etruria, but boldly penetrated into the land of the Etruscans proper, which had hitherto from diversity of language and scanty means of communication remained almost unknown to the Romans. His march through the Ciminian forest which no Roman army had yet traversed, and his pillaging of a rich region that had long been spared the horrors of war, raised all Etruria in arms. The Roman government, which had seriously disapproved the rash expedition and had when too late forbidden the daring leader from crossing the frontier, collected in the greatest haste new legions, in order to meet the expected onslaught of the whole Etruscan power. But a seasonable and decisive victory of Rullianus, the battle at the Vadimonian lake, which long lived in the memory of the people, converted an imprudent enterprise into a celebrated feat of heroism, and broke the resistance of the Etruscans. Unlike the Samnites who had now for eighteen years maintained the unequal struggle, three of the most powerful Etruscan towns, Perusia, Cortona, and Arretium, consented, after the first defeat, to a separate peace for three hundred months (444), and after the Romans had once more beaten the other Etruscans near Perusia in the following year, the Tarquiniensés also agreed to a peace of four hundred months (446); whereupon the other cities desisted from the contest, and a temporary suspension of arms prevailed throughout Etruria.

310.

Victory at the Vadimonian lake.

310.

308.

While these events were passing, the war had not been suspended in Samnium. The campaign of 443 was confined like the preceding to the besieging and storming of several strongholds of the Samnites; but in the next year the war took a more vigorous turn. The dangerous position of Rullianus in Etruria, and the reports that spread as to the annihilation of the Roman army in the north, encouraged the Samnites to new exertions; the Roman consul, Gaius Marcius Rutilus, was vanquished by them and severely wounded in person. But the sudden change in the aspect of matters in Etruria destroyed their newly kindled hopes. Lucius Papirius Cursor again appeared at the head of the Roman troops sent against the Samnites, and again remained the victor in a great and decisive battle (445), in which the confederates had put forth their last energies. The flower of their army—the wearers of striped tunics and golden shields and the wearers of white tunics and silver shields—were there extirpated, and their splendid equipments thenceforth on festal occasions decorated the rows of shops along the Roman Forum. Their distress was ever increasing; the struggle was becoming ever more hopeless. In the following year (446) the Etruscans laid down their arms, and in the same year the last town of Campania which still adhered to the Samnites, Nuceria, simultaneously assailed on the part of the Romans by water and by land, surrendered under favourable conditions. The Samnites found new allies in the Umbrians of northern, and in the Marsi and Pæligni of central Italy, and numerous volunteers from the Hernici joined their ranks; but steps which might have decidedly turned the scale against Rome, had the Etruscans still remained under arms, now simply augmented the results of the Roman victory without seriously adding to its difficulties. The Umbrians, who threatened to march on Rome, were intercepted by Rullianus with the army of Samnium on the upper Tiber—a step which the enfeebled Samnites were unable to prevent; and this sufficed to disperse the Umbrian levies. The war once more returned to central Italy. The Pæligni were conquered, so were the Marsi; and, though the other Sabellian tribes remained nominally foes of Rome, in this quarter Samnium gradually came to stand practically alone. But unexpected assistance came to them from the district of the Tiber. The confederacy of the Hernici, called by the Romans to account

Last campaigns in Samnium. [311.

309.

308.

for their countrymen discovered among the Samnite captives,
306. now declared war against Rome in 448, more probably from despair than from calculation. Some of the more considerable of the Hernican communities from the first kept aloof from hostilities; but Anagnia, far the most eminent of the Hernican cities, carried out this declaration of war. In a military point of view the position of the Romans was undoubtedly rendered for the moment highly critical by this unexpected rising in the rear of the army, occupied with the siege of the strongholds of Samnium. Once more the fortune of war favoured the Samnites; Sora and Calatia fell into their hands. But the Anagnines succumbed with unexpected rapidity before troops despatched from Rome, and these troops also gave seasonable relief to the army stationed in Samnium; all was once more lost. The Samnites sued for peace, but in vain; they could not yet come to terms. The final decision was reserved for the campaign
305. of 449. Two Roman consular armies penetrated, the one under Tiberius Minucius and after his fall under Marcus Fulvius, from Campania through the mountain passes, the other under Lucius Postumius from the Adriatic upward by Biferno, into Samnium, there to unite in front of Bovianum the capital; a decisive victory was achieved, the Samnite general, Statius Gellius, was taken prisoner, and Bovianum was carried by storm. The fall of the chief stronghold of the
Peace with Samnium. land terminated the twenty-two years' war. The Samnites withdrew their garrisons from Sora and Arpinum, and sent envoys to Rome to sue for peace; the Sabellian tribes, the Marsi, Marrucini, Pæligni, Frentani, Vestini, and Picentes followed their example. The terms granted by Rome were tolerable; cessions of territory were required from some of them, from the Pæligni for instance, but they do not seem to have been of much importance. An equal alliance was re-
304. newed between the Sabellian tribes and the Romans (450).
And with Tarentum. Probably about the same time and in consequence of the Samnite peace, peace was also made between Rome and Tarentum. The two cities had not indeed directly opposed each other in the field. The Tarentines had been inactive spectators of the long contest between Rome and Samnium from its beginning to its close, and had only kept up hostilities, in league with the Sallentines, against the Lucanians who were allies of Rome. In the last years of the Samnite war no doubt they had shown some signs of more energetic

action. The position of embarrassment to which the ceaseless attacks of the Lucanians reduced them on the one hand, and on the other hand the feeling, ever obtruding itself on them more urgently, that the complete subjugation of Samnium would endanger their own independence, induced them, notwithstanding their unsatisfactory experience under Alexander, once more to intrust themselves to a *condottiere*. There came at their call the Spartan prince Cleonymus, having five thousand mercenaries, with whom he united a band equally numerous raised in Italy as well as the contingents of the Messapians and of the smaller Greek towns, and above all the Tarentine civic army of twenty-two thousand men. At the head of this considerable force he compelled the Lucanians to make peace with Tarentum, and to install a government of Samnite tendencies; in return for which Metapontum was abandoned to them. The Samnites were still in arms when this occurred; there was nothing to prevent the Spartan from coming to their aid and casting the weight of his numerous army and his military skill into the scale in favour of freedom for the cities and peoples of Italy. But Tarentum did not act as Rome would in similar circumstances have acted, and Prince Cleonymus himself was anything but an Alexander or a Pyrrhus. He was in no hurry to undertake a war in which he might expect more blows than booty, but preferred to make common cause with the Lucanians against Metapontum, and made himself comfortable in that city, while he talked of an expedition against Agathocles of Syracuse and of liberating the Sicilian Greeks. Thereupon the Samnites made peace; and when after its conclusion Rome began to take a more serious interest in the south-east of the peninsula (in token of which in the year 447 a Roman force pillaged, or rather apparently 307.
went to reconnoitre by order of the government in the territory of the Sallentines), the Spartan *condottiere* embarked with his mercenaries and surprised the island of Corcyra, which was admirably situated as a rallying point for piratical expeditions against Greece and Italy. Thus abandoned by their general, and at the same time deprived of their allies in central Italy, the Tarentines and their Italian allies, the Lucanians and Sallentines, had now no course left but to solicit an accommodation with Rome, which appears to have been granted on moderate terms. Soon afterwards (451) even an incursion of Cleonymus, who had landed in 303.

the Sallentine territory and laid siege to Uria, was repulsed by the inhabitants with Roman aid.

Consolidation of the Roman rule in central Italy.

The victory of Rome was complete; and she turned it to full account. It was not from magnanimity in the conquerors (for the Romans knew nothing of the sort), but from wise and far-seeing calculation that terms so moderate were granted to the Samnites, the Tarentines, and the more distant peoples generally. Their first and main object was not so much to compel southern Italy at once formally to recognize the Roman supremacy, as to supplement and complete the subjugation of central Italy, for which the way had been prepared by the military roads and fortresses already established in Campania and Apulia during the last war, and by that means to separate the northern and southern Italians into two masses cut off in a military point of view from direct contact with each other. To this object accordingly the next undertakings of the Romans were with consistent energy directed. Above all they embraced the welcome opportunity of dissolving the Hernican league, and thereby annihilating the last remnant of the old confederacies that competed with the isolated Roman power in the district of the Tiber. The fate of Anagnia and the other small Hernican communities, which had taken part in the last stage of the Samnite war, was, as was to be expected, far harder than that which had under similar circumstances been meted out to the Latin communities in the previous generation. They all lost their autonomy and had to rest content with the citizenship, without suffrage, of Rome; out of a portion of their territory on the upper Trerus (Sacco), moreover, a new tribe was instituted, and another was formed at the
299. same time on the lower Anio (455). The only regret was that the three Hernican communities next in importance to Anagnia, Aletrium, Verulæ, and Ferentinum, had not also revolted; for, as they courteously declined the suggestion that they should voluntarily enter into the bond of Roman citizenship and there existed no pretext for compelling them to do so, the Romans were obliged not only to respect their autonomy, but also to allow to them even the rights o. assembly and of intermarriage, and in this way still to leave a shadow of the old Hernican confederacy. No such considerations fettered their action in that portion of the Volscian country which had hitherto been held by the Samnites. There Arpinum became subject, Frusino was deprived

of a third of its domain, and, on the upper Liris, in addition to Fregellæ the Volscian town of Sora, which had already previously been garrisoned, was now permanently converted into a Roman fortress and occupied by a legion of 4000 men. In this way the old Volscian territory was completely subdued, and became rapidly Romanized. The region which separated Samnium from Etruria was penetrated by two military roads, both of which were secured by new fortresses. The northern road, which afterwards became the Flaminian, covered the line of the Tiber; it led through Ocriculum, which was in alliance with Rome, to Narnia, the name which the Romans gave to the old Umbrian fortress Nequinum when they settled a military colony there (455). 299. The southern, afterwards the Valerian, ran along the Fucine lake by way of Carsioli and Alba, both of which places likewise received colonies (451–453); Alba in particular, 303-301. important as the key of the Marsian land, received a garrison of 6000 men. The small tribes within whose bounds these colonies were instituted, the Umbri who obstinately defended Nequinum, the Æqui who assailed Alba, and the Marsi who attacked Carsioli, could not arrest the course of Rome: the two strong curb-fortresses were inserted almost without hindrance between Samnium and Etruria. We have already mentioned the great roads and fortresses instituted permanently to secure Apulia and above all Campania: by their means Samnium was further surrounded on the east and west with the net of Roman strongholds. It is a significant token of the comparative weakness of Etruria that it was not deemed necessary to secure the defiles of the Ciminian forest in a similar mode—by a highway and corresponding fortresses. The former frontier fortress of Sutrium continued to be in this quarter the terminus of the Roman military line, and the Romans contented themselves with having the road leading thence to Arretium kept in a serviceable state for military purposes by the communities through whose territories it passed.*

* The operations in the campaign of 537, and still more plainly the formation of the highway from Arretium to Bononia in 567, show that the road from Rome to Arretium had already been rendered serviceable before that time. But it cannot at that period have been a Roman military road, because judging from its later appellation of the "Cassian way," it cannot have been constructed as a *via consularis* earlier than 583; no Cassius appears in the Roman consular *fasti* between Spurius Cassius, consul in 252, 261, and 268—who of course is out of the question—and Gaius Cassius Longinus, consul in 583. 217. 187. 171. 502. 493 486. 171.

Renewed outbreak of the Samnite-Etruscan war.

The high-spirited Samnite nation perceived that such a peace was more ruinous than the most destructive war, and, what was more, it acted accordingly. The Celts in northern Italy were just beginning to bestir themselves again after a long suspension of warfare; moreover several Etruscan communities there were still in arms against the Romans, and brief armistices alternated in that quarter with furious but indecisive conflicts. All central Italy was still in ferment and partly in open insurrection; the fortresses were still only in course of construction; the way between Etruria and Samnium was not yet completely closed. Perhaps it was not yet too late to save freedom. But if so there must be no delay; the difficulty of attack increased, the power of the assailant diminished with every year by which the peace was prolonged. Five years had scarce elapsed since the contest ended, and all the wounds must still have been bleeding which the twenty-two years' war had inflicted on
298. the rural communes of Samnium, when in the year 456 the Samnite confederacy renewed the struggle. The last war had been decided in favour of Rome mainly through the alliance of Lucania with the Romans and the consequent standing aloof of Tarentum. The Samnites, profiting by that lesson, now threw themselves in the first instance with all their might on the Lucanians, and succeeded in bringing their partisans there to the helm of affairs, and in concluding an alliance between Samnium and Lucania. Of course the Romans immediately declared war; the Samnites had expected no other issue. It is a significant indication of the state of feeling, that the Samnite government informed the Roman envoys that it was not able to guarantee their inviolability, should they set foot on Samnite ground.

298. The war thus began anew (456), and while a second army was fighting in Etruria, the main Roman army traversed Samnium, and compelled the Lucanians to make peace and send hostages to Rome. The following year both consuls were able to proceed to Samnium; Rullianus conquered at Tifernum, his faithful comrade in arms, Publius Decius Mus, at Maleventum, and for five months two Roman armies encamped in the land of the enemy. They were enabled to do so, because the Tuscan states had on their own behalf entered into negotiations for peace with Rome. The Samnites, who from the beginning could not but see that their only chance of victory lay in the combination of all Italy

against Rome, exerted themselves to the utmost to prevent the threatened separate peace between Etruria and Rome; and when at last their general, Gellius Egnatius, offered to render aid to the Etruscans in their own country, the Etruscan federal council in reality agreed to hold out and once more to appeal to the arbitration of arms. Samnium made the most energetic efforts to place three armies simultaneously in the field, the first destined for the defence of its own territory, the second for an invasion of Campania, the third and most numerous for Etruria; and in the year 458 the last, led by Egnatius himself, actually reached Etruria in safety through the Marsian and Umbrian territories, with whose inhabitants there was an understanding. Meanwhile the Romans were capturing some strong places in Samnium, and breaking the influence of the Samnite party in Lucania; they were not aware in time to prevent the departure of the army led by Egnatius. When information reached Rome that the Samnites had succeeded in frustrating all the enormous efforts made to sever the northern from the southern Italians, that the arrival of the Samnite bands in Etruria had become the signal of an almost universal rising against Rome, and that the Etruscan communities were labouring with the utmost zeal to get their own forces ready for war and to take into their pay the Gallic hordes, every nerve was strained also in Rome; the freedmen and the married were formed into cohorts—it was felt on all hands that the decisive crisis was near. The year 458 however passed away, apparently, in armings and marchings. For the following year (459) the Romans placed their two best generals, Publius Decius Mus and the aged Quintus Fabius Rullianus, at the head of their army in Etruria, which was reinforced with all the troops that could be spared from Campania, and amounted to at least 60,000 men, of whom more than a third were full burgesses of Rome. Besides this, two reserves were formed, the first at Falerii, the second under the walls of the capital. The rendezvous of the Italians was Umbria, towards which the roads from the Gallic, Etruscan, and Sabellian territories converged; towards Umbria the consuls also moved their main force, partly along the left, partly along the right bank of the Tiber, while at the same time the first reserve made a movement towards Etruria, in order if possible to recall the Etruscan troops from the main scene of action for the defence of their homes. The first engagement did not

Junction of the troops of the coalition in Etruria. 296.

296.

295.

prove fortunate for the Romans; their advanced guard was defeated by the combined Gauls and Samnites in the district of Chiusi. But the diversion accomplished its object. Less magnanimous than the Samnites, who had marched through the ruins of their towns that they might not be absent from the chosen field of battle, great part of the Etruscan contingents withdrew from the federal army on the news of the advance of the Roman reserve into Etruria, and its ranks were greatly thinned when the decisive battle came to be fought on the eastern declivity of the Apennines near Sentinum. Nevertheless it was a hotly contested day. On the right wing of the Romans, where Rullianus with his two legions contended with the Samnite army, the conflict remained long undecided. On the left, which Publius Decius commanded, the Roman cavalry was thrown into confusion by the Gallic war chariots, and there the legions already began to give way. Then the consul called to him Marcus Livius, the priest, and bade him devote to the infernal gods both the head of the Roman general and the army of the enemy; and plunging into the thickest throng of the Gauls he sought death and found it. This heroic deed of despair in so distinguished a man and so beloved a general was not in vain. The fugitive soldiers rallied, the bravest threw themselves after their leader into the hostile ranks, to avenge him or to die with him; and just at the right moment the consular Lucius Scipio, despatched by Rullianus, appeared with the Roman reserve on the imperilled left wing. The admirable Campanian cavalry, which fell on the flank and rear of the Gauls, turned the scale; the Gauls fled, and at length the Samnites also gave way, their general Egnatius falling at the gate of the camp. Nine thousand Romans strewed the field of battle; but dearly as the victory was purchased, it was worthy of such a sacrifice. The army of the coalition was dissolved, and with it, the coalition itself; Umbria remained in the power of the Romans, the Gauls dispersed, the remnant of the Samnites, still in compact order, retreated homeward through the Abruzzi. Campania, which the Samnites had overrun during the Etruscan war, was, after its close, re-occupied with little difficulty by the Romans. Etruria sued for peace in the following year (460); Volsinii, Perusia, Arretium, and in general all the towns that had joined the league against Rome, promised a cessation of hostilities for four hundred

Battle of Sentinum.

Peace with Etruria.

294.

months. But the Samnites were of a different mind; they prepared for their hopeless resistance with the courage of free men, which shames fate if it may not overrule it. When the two consular armies advanced into Samnium, in the year 460, they encountered everywhere the most desperate resistance; Marcus Atilius was discomfited near Luceria, and the Samnites were able to penetrate into Campania and to lay waste the territory of the Roman colony Interamna on the Liris. In the ensuing year Lucius Papirius Cursor, the son of the hero of the first Samnite war, and Spurius Carvilius, gave battle on a great scale near Aquilonia to the Samnite army, the flower of which—the 16,000 in white tunics—had sworn a sacred oath to prefer death to flight. Inexorable destiny however heeds neither the oaths nor the prayers of despair; the Romans conquered and stormed the strongholds where the Samnites had sought refuge for themselves and their property. Even after this great defeat the confederates still for years resisted the ever-increasing superiority of the enemy with unparalleled perseverance in their fastnesses and mountains, and still achieved various isolated advantages. The experienced arm of the old Rullianus was once more called into the field against them (462), and Gaius Pontius, a son perhaps of the victor of Caudium, even gained for his nation a last victory, which the Romans meanly enough avenged, by causing him, when subsequently taken, to be executed in prison (463). But there was no further symptom of movement in Italy; for the war, which Falerii began in 461, scarce deserves that name. The Samnites probably turned with longing eyes towards Tarentum, which was the only state still in a position to grant them aid; but it held aloof. The same causes as before occasioned its inaction—internal misgovernment, and the passing over of the Lucanians once more to the Roman party in the year 456; to which fell to be added a not unfounded apprehension of Agathocles of Syracuse, who just at that time had reached the height of his power and began to turn his views towards Italy. About 455 the latter established himself in Corcyra whence Cleonymus had been expelled by Demetrius Poliorcetes, and now threatened the Tarentines from the Adriatic as well as from the Ionian sea. The cession of the island to king Pyrrhus of Epirus in 459 certainly removed to a great extent the apprehensions which they had cherished; but the

Last struggles of Samnium.

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affairs of Corcyra continued to occupy the Tarentines (in
290. the year 464, for instance, they helped to protect Pyrrhus
in possession of the island against Demetrius), and in
like manner Agathocles did not cease to give the Taren-
289. tines uneasiness by his Italian policy. When he died (465),
and with him the power of the Syracusans in Italy went to
wreck, it was too late; Samnium, weary of the thirty-seven
290. years' war, had concluded peace in the previous year (464)
with the Roman consul Manius Curius Dentatus, and had
in form renewed its league with Rome. On this occasion,
304. as in the peace of 450, no disgraceful or destructive conditions
were imposed on the brave people by the Romans; no ces-
sions even of territory seem to have taken place. The poli-
tical sagacity of Rome preferred to follow the path which it
had hitherto pursued, and to attach in the first place the
Campanian and Adriatic coast more and more securely to
Rome before proceeding to the direct conquest of the
interior. Campania, indeed, had been long in subjection;
but the far-seeing policy of Rome found it needful, in order
to secure the Campanian coast, to establish two coast-for-
295. tresses there, Minturnæ and Sinuessa (459), the new burgesses
of which were admitted, according to the settled rule in the
case of maritime colonies, to the full citizenship of Rome.
With still greater energy the extension of the Roman rule
was prosecuted in central Italy. There the whole of the
Samnites after a brief and feeble resistance were forced to
290. become subjects of Rome (464), and the strong fortress of
Hatria was established in the Abruzzi, not far from the
289. coast (465). But the most important colony of all was that
291. of Venusia (463), whither the unprecedented number of
20,000 colonists was conducted. That city, founded at the
boundary of Samnium, Apulia, and Lucania, on the great
road between Tarentum and Samnium, in an uncommonly
strong position, was destined as a curb to keep in check
the surrounding tribes, and above all to interrupt the
communications between the two most powerful enemies of
Rome in southern Italy. Beyond doubt at the same time
the southern highway, which Appius Claudius had carried to
Capua, was prolonged thence to Venusia. Thus the com-
pact Roman domain at the close of the Samnite wars ex-
tended on the north to the Ciminian forest, on the east to
the Abruzzi, on the south to Capua, while the two advanced
posts, Luceria and Venusia, established to the east and

south on the lines of communication of their opponents, isolated them on every side. Rome was no longer merely the first, she was already the ruling power in the peninsula, when towards the end of the fifth century of the city those nations, which had been raised to supremacy in their respective lands by the favour of the gods and by their own capacity, began to come into contact in council and on the battle-field; and, as at Olympia the preliminary victors girt themselves for a second and more serious struggle, so on the larger arena of the nations, Carthage, Macedonia, and Rome now prepared for the final and decisive contest.

CHAPTER VII.

THE STRUGGLE BETWEEN PYRRHUS AND ROME.

Relations between the East and West.

323.

AFTER Rome had acquired the undisputed mastery of the world, the Greeks were wont to annoy their Roman masters by the assertion, that Rome was indebted for her greatness to the fever, of which Alexander of Macedon died at Babylon on the 11th of June, 431. As it was not very agreeable for them to reflect on the actual past, they were fond of allowing their thoughts to dwell on what might have happened, had the great king turned his arms (as was said to be his intention at the time of his death) towards the west, and contested the Carthaginian supremacy by sea with his fleet, and the Roman supremacy by land with his phalanxes. It is not impossible that Alexander may have cherished such thoughts; nor is it necessary to resort for an explanation of their origin to the mere difficulty which an autocrat provided with soldiers and ships experiences in setting limits to his warlike career. It was an enterprise worthy of a great Greek king to protect the Siceliots against Carthage and the Tarentines against Rome, and to put an end to piracy on either sea; and the Italian embassies from the Bruttians, Lucanians, and Etruscans,* that along with numerous others

* The story that the Romans also sent envoys to Alexander at Babylon rests on the testimony of Clitarchus (Plin. *Hist. Nat.* iii. 5, 57), from whom the other authorities who mention the fact (Aristus and Asclepiades, *ap.* Arrian, vii. 15, 5; Memnon, *c.* 25), doubtless derived it. Clitarchus certainly was contemporary with these events; nevertheless, his Life of Alexander is decidedly a historical romance rather than a history: and, looking to the silence of the trustworthy biographers (Arrian, *l. c.*; Livy, ix. 18), and the entirely romantic

made their appearance at Babylon, afforded him sufficient opportunities of becoming acquainted with the circumstances of the peninsula, and of contracting relations with it. Carthage with its many connections in the east could not but attract the attention of the mighty monarch, and it was probably part of his design to convert the nominal sovereignty of the Persian king over the Tyrian colony into a real one: the apprehensions of the Carthaginians are shown by the Phœnician spy in the suite of Alexander. Whether, however, these ideas were dreams or actual projects, the king died without having interfered in the affairs of the west, and his ideas were buried with him. For a few brief years a Grecian ruler had held in his hand the whole intellectual vigour of the Hellenic race combined with the whole material resources of the east. On his death the work to which his life had been devoted—the establishment of Hellenism in the east—was by no means undone; but his empire had barely been united when it was again dismembered, and, amidst the constant quarrels of the different states that were formed out of its ruins, the object of world-wide interest which they were destined to promote—the diffusion of Greek culture in the east—though not abandoned, was prosecuted on a feeble and stunted scale. Under such circumstances, neither the Greek nor the Asiatico-Egyptian states could think of acquiring a footing in the west, or of turning their efforts against the Romans or the Carthaginians. The eastern and western state-systems subsisted side by side for a time without crossing, politically, each other's path; and Rome in particular remained substantially aloof from the quarrels of Alexander's successors. The only relations established with them were of a mercantile kind; as in the instance of the free state of Rhodes, the leading representative of the policy of commercial neutrality in Greece and in consequence the universal medium of intercourse in an age of perpetual wars, which about 448 concluded a treaty with 306.
Rome—a commercial convention, of course, such as was natural between a mercantile people and the masters of the Cærite and Campanian coasts. Even in the supply of mer-

details of the account, which represents the Romans, for instance, as delivering to Alexander a chaplet of gold, and the latter as prophesying the future greatness of Rome, we cannot but set down the story as one of the many embellishments which Clitarchus introduced into his History.

cenaries from Hellas, the universal recruiting-field of those times, to Italy, and to Tarentum in particular, political relations (such as subsisted, for instance, between Tarentum and Sparta its mother-city) exercised but a very subordinate influence. In general the raising of mercenaries was simply a matter of traffic, and Sparta, although it regularly supplied the Tarentines with captains for their Italian wars, was by that course as little involved in hostilities with the Italians, as in the North American war of Independence the German states were involved in hostilities with the Union, to whose antagonists they sold the services of their subjects.

The historical position of Pyrrhus.

King Pyrrhus of Epirus himself was simply a military adventurer. He was none the less a soldier of fortune that he traced back his pedigree to Æacus and Achilles, and that, had he been more peacefully disposed, he might have lived and died as the "king" of a small mountain-tribe under the supremacy of Macedon, or perhaps in isolated independence. He has been compared to Alexander of Macedon; and certainly the idea of founding an Hellenic empire of the west—which would have been based on Epirus, Magna Græcia, and Sicily, would have commanded both the Italian seas, and would have reduced Rome and Carthage to the rank of barbarian peoples bordering on the Hellenistic state-system, like the Celts and the Indians—was analogous in greatness and boldness to the idea which led the Macedonian king over the Hellespont. But it was not the mere difference of issue that formed the distinction between the expedition to the east and that to the west. Alexander with his Macedonian army, in which the staff, especially, was excellent, could fully make head against the Great King; but the king of Epirus, which bore somewhat the same proportion to Macedon as Hesse now does to Prussia, could only raise an army worthy of the name by means of mercenaries and of alliances based on accidental political combinations. Alexander made his appearance in the Persian empire as a conqueror; Pyrrhus appeared in Italy as the general of a coalition of secondary states. Alexander left his hereditary dominions completely secured by the unconditional subjection of Greece, and by the strong army that remained behind under Antipater; Pyrrhus had no security for the integrity of his native dominions but the word of a doubtful neighbour. In the case of both conquerors, if their plans should be crowned with success, their native country must neces-

sarily cease to be the centre of their new empire; but it was far more practicable to transfer the seat of the Macedonian military monarchy to Babylon than to found a soldier-dynasty in Tarentum or Syracuse. The democracy of the Greek republics—perpetual agony though it was—could not be at all coerced into the stiff forms of a military state; Philip had good reason for not incorporating the Greek republics with his empire. In the east no national resistance was to be expected; ruling and subject races had long lived there side by side, and a change of despot was a matter of indifference or even of satisfaction to the mass of the population. In the west, the Romans, the Samnites, the Carthaginians, might be vanquished; but no conqueror could have transformed the Italians into Egyptian fellahs, or rendered the Roman farmers tributaries of Hellenic barons. Whatever we take into view—whether their own power, their allies, or the resources of their antagonists—in all points the plan of the Macedonian appears as a feasible, that of the Epirot as an impracticable, enterprise; the former as the completion of a great historical task, the latter as a remarkable blunder; the former as the foundation of a new system of states and of a new phase of civilization, the latter as a mere episode in history. Alexander's work outlived him, although its creator met an untimely death; Pyrrhus witnessed with his own eyes the wreck of all his plans ere death called him away. Both had natures great and enterprising, but Pyrrhus was only the foremost general, Alexander was eminently the most gifted statesman, of his time; and if it is insight into what is and what is not possible that distinguishes the hero from the adventurer, Pyrrhus must be numbered among the latter class, and may as little be placed on a parallel with his greater relative as the Constable of Bourbon may be put in comparison with Louis the Eleventh.

And yet a wondrous charm attaches to the name of the Epirot,—a peculiar sympathy evoked certainly in some degree by his chivalrous and amiable character, but still more by the circumstance that he was the first Greek that met the Romans in battle. With him began those relations between Rome and Hellas, on which the whole subsequent development of ancient, and an essential part of modern, civilization are based. The struggle between phalanxes and cohorts, between a mercenary army and a militia, between

military monarchy and senatorial government, between individual talent and national vigour—this struggle between Rome and Hellenism was first fought out in the battles between Pyrrhus and the Roman generals; and though the defeated party often afterwards appealed anew to the arbitration of arms, every succeeding day of battle simply confirmed the decision. But while the Greeks were beaten in the battle-field as well as in the senate-hall, their superiority was none the less decided on every other field of rivalry than that of politics; and these very struggles already betokened that the victory of Rome over the Hellenes would be different from her victories over Gauls and Phœnicians, and that the charm of Aphrodite only begins to work when the lance is broken and the helmet and shield are laid aside.

Character and earlier history of Pyrrhus.

King Pyrrhus was the son of Æacides, ruler of the Molossians (around Janina), who, spared as a kinsman and faithful vassal by Alexander, had been after his death drawn into the whirlpool of Macedonian family politics, and lost in it
313. first his kingdom and then his life (441). His son, then six years of age, was saved by Glaucias the ruler of the Illyrian Taulantii, and in the course of the conflicts for the possession of Macedonia he was, when still a boy, restored by Demetrius Poliorcetes to his hereditary principality
307. (447)—but only to lose it again after a few years through
302. the influence of the opposite party (about 452), and to begin his military career as an exiled prince in the train of the Macedonian generals. Soon his peculiar genius asserted itself conspicuously. He shared in the last campaigns of Antigonus, and the old marshal of Alexander took delight in the born soldier, who in the judgment of his grey-headed generals only wanted years to be already the first warrior of the age. The unfortunate battle at Ipsus brought him as a hostage to Alexandria, to the court of the founder of the Lagid dynasty, where by his daring and downright character and his soldierly spirit thoroughly despising everything that was not military, he attracted the attention of the politic King Ptolemy no less than he attracted the notice of the royal ladies by his manly beauty, the effect of which was not impaired by the wildness of his countenance and the stateliness of his stride. Just at this time the enterprising Demetrius was once more establishing himself in a new kingdom, which on this occasion was Macedonia; of course with the intention of using it as a lever to revive the

monarchy of Alexander. To keep down his ambitious designs it was important to give him employment at home; and Ptolemy, who knew how to make admirable use of such fiery spirits as the Epirot youth in the prosecution of his delicate policy, not only met the wishes of his consort Queen Berenice, but also promoted his own ends, by giving his step-daughter, the Princess Antigone, in marriage to the young prince, and lending his aid and powerful influence to back the return of his beloved "son" to his native land (458). 296.
Restored to his paternal kingdom he soon carried all before him. The brave Epirots, the Albanians of antiquity, clung with hereditary loyalty and fresh enthusiasm to the high-spirited youth—the "eagle," as they called him. In the confusion that arose regarding the succession to the Macedonian throne after the death of Cassander (457), the 297.
Epirot extended his dominions: step by step he gained the tract extending around the Ambracian gulf with the important town of Ambracia, the island of Corcyra, and 295.
even a part of the Macedonian territory, and with forces far inferior he made head against king Demetrius, to the admiration of the Macedonians themselves. Indeed, when Demetrius was by his own folly hurled from the Macedonian throne, it was voluntarily proffered by them to his chivalrous opponent, a kinsman of the Alexandrine house (467). 287.
No one was in reality worthier than Pyrrhus to wear the royal diadem of Philip and of Alexander. In an age of deep depravity, in which princely rank and baseness began to be synonymous, the personally unspotted and morally pure character of Pyrrhus shone conspicuous. For the free yeomen of the hereditary Macedonian soil, who, although diminished and impoverished, were far from sharing in that decay of morals and of valour which the government of the Diadochi produced in Greece and Asia, Pyrrhus appeared exactly formed to be the fitting king,—Pyrrhus, who, like Alexander, in his household and in the circle of his friends was never deaf to the voice of human sympathies, and had constantly avoided the bearing of an oriental sultan which was so odious to the Macedonians; and who, like Alexander, was acknowledged to be the first tactician of his time. But the singularly overstrained national feeling of the Macedonians, which preferred the most paltry Macedonian sovereign to the ablest foreigner, and the irrational insubordination of the Macedonian troops towards every non-Macedonian

leader, to which Eumenes the Cardian, the greatest general of the school of Alexander, had fallen a victim, put a speedy termination to the rule of the Prince of Epirus. Pyrrhus, who could not exercise sovereignty over Macedonia with the consent of the Macedonians, and who was too powerless and perhaps too high spirited to force himself on the nation against its will, after reigning seven months left the country to its native misgovernment, and went home to his
287. faithful Epirots (467). But the man who had worn the crown of Alexander, the brother-in-law of Demetrius, the son-in-law of Ptolemy Lagides and of Agathocles of Syracuse, the skilled tactician who wrote memoirs and scientific treatises on the military art, could not possibly spend his life in the ordinary routine of an Epirot prince—in inspecting at a set time yearly the accounts of the royal cattle-steward, in receiving from his brave Epirots their customary presents of oxen and sheep, in requiring thereupon the renewal of their oath of allegiance and repeating his own engagement to respect the laws at the altar of Zeus, and for the better confirmation of the whole carousing with them all night long. If there was no place for him on the throne of Macedonia, he could not remain in the land of his nativity at all; he was fitted for the first place, and he could not be content with the second. His views therefore turned abroad. The kings, who were quarrelling for the possession of Macedonia, although agreeing in nothing else, were ready and glad to concur in promoting the voluntary departure of their dangerous rival; and that his faithful war-comrades would follow him wherever he led, he knew full well. Just at that time the circumstances of Italy were such that the project which had been meditated forty years before by Pyrrhus' kinsman, his father's cousin, Alexander of Epirus, and quite recently by his father-in-law Agathocles, once more seemed feasible; and so Pyrrhus resolved to abandon his Macedonian schemes and to found for himself and for the Hellenic nation a new empire in the west.

Rising of the Italians against Rome. The Lucanians.

290. The interval of repose, which the peace with Samnium in 464 had procured for Italy, was of brief duration; the impulse which led to the formation of a new league against Roman ascendancy came on this occasion from the Lucanians. This people, by taking part with Rome during the Samnite wars, paralyzed the action of the Tarentines, and essentially contributed to the decisive issue; and, in con-

sideration of their services, the Romans gave up to them the Greek cities in their territory. Accordingly, after the conclusion of peace, they had, in concert with the Bruttians, set themselves to subdue these cities in succession. The Thurines, repeatedly assailed by Stenius Statilius general of the Lucanians, and reduced to extremities, requested assistance against the Lucanians from the Roman senate, just as formerly the Campanians had asked the aid of Rome against the Samnites, and beyond doubt with a like sacrifice of their liberty and independence. In consequence of the founding of Venusia Rome could dispense with the support of the Lucanians; so the Romans granted the prayer of the Thurines, and enjoined their friends and allies to desist from their designs on a city which had surrendered itself to Rome. The Lucanians and Bruttians, thus cheated by their more powerful allies of their share in the common spoil, entered into negotiations with the opposition-party among the Samnites and Tarentines to produce a new Italian coalition; and when the Romans sent an embassy to warn them, they detained the envoys in captivity and began the war against Rome with a new attack on Thurii (about 469), while at the same time they invited not only the 285.
Samnites and Tarentines, but the northern Italians also—the Etruscans, Umbrians, and Gauls—to join them in the struggle for freedom. In fact the Etruscan league revolted, The Etruscans and
and hired numerous bands of Gauls. The Roman army, Celts.
which the prætor Lucius Cæcilius was leading to the help of the Arretines who had remained faithful, was annihilated under the walls of Arretium by the Senonian mercenaries of the Etruscans; the general himself fell with 13,000 of his men (470). The Senones were reckoned allies of Rome; 284.
the Romans accordingly sent envoys to them to complain of their furnishing soldiers to serve against Rome, and to require the surrender of their captives without ransom. But by the command of their chieftain Britomaris, who had to take vengeance on the Romans for the death of his father, the Senones slew the Roman envoys and openly took the Etruscan side. All the north of Italy, Etruscans, Umbrians, Gauls, were thus in arms against Rome; great results might be achieved if its southern provinces also would embrace the opportunity, and declare, so far as they had not already done so, against Rome. In fact the Samnites, The Samnites.
ever ready to make a stand on behalf of liberty, appear to

have declared war against the Romans; but weakened and hemmed in on all sides as they were, they could be of little service to the league; and Tarentum manifested its wonted delay. While her antagonists were negotiating alliances, settling treaties as to subsidies, and collecting mercenaries, Rome was acting. First the Senones were made to feel how dangerous it was to gain a victory over the Romans. The consul Publius Cornelius Dolabella advanced with a strong army into their territory; all that were not put to the sword were driven forth from the land, and the tribe was erased from the list of the Italian nations (471). In the case of a people subsisting on its flocks and herds, such an expulsion *en masse* was quite practicable; and the Senones thus expelled from Italy probably helped to compose the Gallic hordes which soon after inundated the countries of the Danube, Macedonia, Greece, and Asia Minor. The next neighbours and kinsmen of the Senones, the Boii, terrified and exasperated by a catastrophe which had been consummated with so fearful a rapidity, united instantaneously with the Etruscans, who still continued the war, and whose Senonian mercenaries now fought against the Romans, no longer as hirelings, but as desperate avengers of their native land. A powerful Etrusco-Gallic army marched against Rome to retaliate the annihilation of the Senonian tribe on the enemy's capital, and to extirpate Rome from the face of the earth more completely than had been formerly done by the chieftain of these same Senones. But the combined army was entirely defeated by the Romans at its passage of the Tiber in the neighbourhood of the Lake of Vadimo (471). After they had once more, in the following year, risked a general engagement near Populonia with no better success, the Boii deserted their confederates, and concluded a peace on their own account with the Romans (472). Thus the Gauls, the most formidable member of the league, were conquered in detail before the league was fully formed, and by that means the hands of Rome were left free to act against Lower Italy, where, during the years 469–471, the contest had not been carried on with any vigour. Hitherto the weak Roman army had with difficulty maintained itself in Thurii against the Lucanians and Bruttians; but now (472) the Consul Gaius Fabricius Luscinus appeared with a strong army in front of the town, relieved it, defeated the Lucanians in a great engagement, and took their general

The Senones annihilated.

283.

283.

282.

285–283.

282.

Statilius prisoner. The smaller non-Doric Greek towns, recognizing the Romans as their deliverers, everywhere voluntarily joined them. Roman garrisons were left behind in the most important places, in Locri, Croton, Thurii, and especially in Rhegium, on which latter town the Carthaginians seem also to have had designs. Everywhere Rome had most decidedly the advantage. The annihilation of the Senones had given to the Romans a considerable tract of the Adriatic coast. With a view, doubtless, to the smouldering feud with Tarentum and the already threatened invasion of the Epirots, they hastened to make themselves sure of this coast as well as of the Adriatic sea. A burgess colony was sent out (about 471) to the seaport of Sena (Sinigaglia), the former capital of the Senonian territory; and at the same time a Roman fleet sailed from the Tyrrhene sea into the eastern waters, manifestly for the purpose of being stationed in the Adriatic and of protecting the Roman possessions there. 283.

Breach between Rome and Tarentum. [304.

The Tarentines, since the treaty of 450, had lived at peace with Rome. They had been spectators of the long struggle of the Samnites, and of the rapid extirpation of the Senones; they had acquiesced without remonstrance in the establishment of Venusia, Hatria, and Sena, and in the occupation of Thurii and of Rhegium. But when the Roman fleet, on its voyage from the Tyrrhene to the Adriatic sea, now arrived in the Tarentine waters and cast anchor in the harbour of the friendly city, the long-cherished resentment at length overflowed. Old treaties, which prohibited the war-vessels of Rome from sailing to the east of the Lacinian promontory, were appealed to by popular orators in the assembly of the citizens. A furious mob fell upon the Roman ships of war, which, assailed suddenly, after a piratical fashion, succumbed after a sharp struggle; five ships were taken, and their crews executed or sold into slavery; the Roman admiral himself had fallen in the engagement. Only the utter folly and utter unscrupulousness of mob-rule can account for those disgraceful proceedings. The treaties referred to belonged to a period long past and forgotten; it is clear that they no longer had any meaning, at least subsequently to the founding of Hatria and Sena, and that the Romans entered the bay on the faith of the existing alliance; indeed, it was very much their interest (as the further course of things

showed) to afford the Tarentines no sort of pretext for declaring war. In declaring war against Rome the statesmen of Tarentum would only do what they should have done long before; and if they preferred to rest their declaration of war upon the formal pretext of a breach of treaty rather than upon the actual ground, they might do so, as in fact diplomacy has always reckoned it beneath its dignity to speak the simple truth in simple language. But to make an armed attack upon the fleet without warning, instead of summoning the admiral to retrace his course, was a foolish no less than a barbarous act—one of those horrible barbarities of civilization when moral principle suddenly forsakes the helm, and the merest coarseness emerges in its room, as if to warn us against the childish belief that civilization is able to extirpate brutality from human nature.

And, as if what they had done had not been enough, the Tarentines after this heroic feat attacked Thurii, the Roman garrison of which capitulated in consequence of a surprise
282-281. (in the winter of 472-473); and inflicted severe chastisement on the Thurines (the same who had so often been formally abandoned by Tarentum itself to the Lucanians, and for that very reason had been compelled to yield to Rome) for their desertion from the Hellenic party to the side of the barbarians.

Attempts at peace. The barbarians, however, acted with a moderation which, considering their power and the provocation they had received, excites astonishment. It was the interest of Rome to maintain as long as possible the Tarentine neutrality, and the leading men in the senate accordingly rejected the proposal, which a minority had with natural resentment submitted, to declare war at once against the Tarentines. In fact, the continuance of peace on the part of Rome was proffered on the most moderate terms consistent with her honour—the release of the captives, the restoration of Thurii, the surrender of the originators of the attack on the fleet. A Roman embassy proceeded with these proposals to
281. Tarentum (473), while at the same time, to add weight to their words, a Roman army, under the consul Lucius Æmilius, advanced into Samnium. The Tarentines could, without forfeiting aught of their independence, accept these terms; and considering the little inclination for war in so wealthy a commercial city, the Romans had reason to pre-

sume that an accommodation was still possible. But the attempt to preserve peace failed, whether through the opposition of those Tarentines who recognized the necessity of meeting the aggressions of Rome, the sooner the better, by a resort to arms, or merely through the unruliness of the city rabble, which, with characteristic Greek sauciness, subjected the person of the envoy to an unworthy insult. The consul now advanced into the Tarentine territory; but, instead of immediately commencing hostilities, he offered once more the same terms of peace; and, when this proved in vain, he began to lay waste the fields and country houses, and he defeated the civic militia. The principal persons captured, however, were released without ransom; and the hope was not abandoned that the pressure of war would give to the aristocratic party ascendancy in the city, and so bring about peace. The reason of this reserve was, that the Romans were unwilling to drive the city into the arms of the Epirot king. His designs on Italy were no longer a secret. A Tarentine embassy had already gone to Pyrrhus, and returned without having accomplished its object. The king had demanded more than it had powers to consent to. It was necessary that they should come to a decision. That the civic militia knew only how to run away from the Romans, had been made sufficiently clear. There remained only the choice between a peace with Rome, which the Romans still were ready to agree to on equitable terms, and a treaty with Pyrrhus on any conditions that the king might think proper; or, in other words, the choice between submission to the supremacy of Rome, and subjection to the despotism of a Greek soldier. The parties in the city were almost equally balanced. At length the ascendancy remained with the national party—a result which was due partly to the justifiable predilection which led them, if they must yield to a master at all, to prefer a Greek to a barbarian, but partly also to the dread of the demagogues that Rome, notwithstanding the moderation now forced upon it by circumstances, would not neglect on a fitting opportunity to exact vengeance for the outrages perpetrated by the Tarentine rabble. The city, accordingly, came to terms with Pyrrhus. He obtained the supreme command of the troops of the Tarentines and of the other Italians in arms against Rome, along with the right of keeping a garrison in Tarentum. The expenses of the war were, of course, to be borne by the

Pyrrhus summoned to Italy.

city. Pyrrhus, on the other hand, promised to remain no longer in Italy than was necessary; probably with the tacit reservation that his own judgment should fix the term during which he might be needed there. Nevertheless, the prey had almost slipped out of his hands. While the Tarentine envoys—the heads, no doubt, of the war party—were at sent in Epirus, the state of feeling in the city, now hard pressed by the Romans, underwent a change. The chief command was already intrusted to Agis, a man favourable to Rome, when the return of the envoys with the concluded treaty, accompanied by Cineas the favourite minister of Pyrrhus, again brought the war-party to the helm. A firmer hand now grasped the reins, and put an end to the pitiful vacillation. In the autumn of 473 Pyrrhus' general, Milo, landed with 3000 Epirots, and occupied the citadel of the town. He was followed in the beginning of the year 474 by the king himself, who landed after a stormy passage in which many lives were lost. He transported to Tarentum a respectable but miscellaneous army, consisting partly of household troops, Molossians, Thesprotians, Chaonians, and Ambraciots; partly of the Macedonian infantry and the Thessalian cavalry, which King Ptolemy had conformably to stipulation handed over to him; partly of Ætolian, Acarnanian, and Athamanian mercenaries. Altogether it numbered 20,000 phalangitæ, 2000 archers, 500 slingers, 3000 cavalry, and 20 elephants, and thus was not much smaller than the army with which, fifty years before, Alexander had crossed the Hellespont.

Landing of Pyrrhus. 281. 280.

Pyrrhus and the coalition.

The affairs of the coalition were in no very favourable state when the king arrived. The Roman consul, indeed, as soon as he saw the soldiers of Milo taking the field against him instead of the Tarentine militia, had abandoned the attack on Tarentum and retreated to Apulia; but, with the exception of the territory of Tarentum, the Romans ruled almost all Italy. The coalition had no army in the field anywhere in Lower Italy; and in Upper Italy the Etruscans, who alone were still in arms, had suffered in the last campaign (473) nothing but defeat. The allies had, before the king embarked, committed to him the chief command of all their troops, and declared that they were able to place in the field an army of 350,000 infantry and 20,000 cavalry. The reality formed a sad contrast to these great promises. The army, whose chief command had been committed to Pyrrhus, had

281.

still to be created; and for the time being the main resources available for forming it were those of Tarentum alone. The king gave orders for the raising of an army of Italian mercenaries at the expense of Tarentum, and called out the able-bodied citizens to serve in the war. But the Tarentines had not so understood the treaty. They had thought to purchase victory, like any other commodity, with money; it was a sort of breach of contract, that the king should compel them to fight for it themselves. The more glad the citizens had been, at first after Milo's arrival, to be quit of the burdensome service of mounting guard, the more unwillingly they now rallied to the standards of the king: it was necessary to threaten the negligent with the penalty of death. This result now justified the peace party in the eyes of all, and communications were entered into, or at any rate appeared to have been entered into, even with Rome. Pyrrhus, prepared for such opposition, immediately treated Tarentum as a conquered city; soldiers were quartered in the houses, the assemblies of the people and the numerous clubs (*συσσίτια*) were suspended, the theatre was shut, the promenades were closed, and the gates were occupied with Epirot guards. A number of the leading men were sent over the sea as hostages; others escaped the like fate by flight to Rome. These strict measures were necessary, for it was absolutely impossible in any sense to rely upon the Tarentines. It was only now that the king, in possession of that important city as a basis, could begin operations in the field.

Preparations in Rome.

The Romans too were well aware of the conflict which awaited them. In order first of all to secure the fidelity of their allies, or, in other words, their subjects, the towns that could not be depended on were garrisoned, and the leaders of the party of independence, where it seemed needful, were arrested or executed: such was the case with a number of the members of the senate of Præneste. For the war itself great exertions were made; a war contribution was levied; the full contingent was called forth from all their subjects and allies; even the *proletarii*, who were properly exempt from obligation of service, were called to arms. A Roman army remained as a reserve in the capital. A second advanced under the consul Tiberius Coruncanius into Etruria, and dispersed the forces of Volci and Volsinii. The main force was of course destined for Lower Italy; its departure was hastened as much as possible, in order to reach

Commencement of the conflict in Lower Italy.

Pyrrhus while still in the territory of Tarentum, and to prevent him and his forces from forming a junction with the Samnites and other south Italian levies that were in arms against Rome. The Roman garrisons, that were placed in the Greek towns of Lower Italy, were intended temporarily to check the king's progress. But the mutiny of the troops stationed in Rhegium (800 Campanians, and 400 Sidicines, under a Campanian captain Decius) deprived the Romans of that important town. It was not, however, transferred to the hands of Pyrrhus. While on the one hand the national hatred of the Campanians against the Romans undoubtedly contributed to produce this military insurrection, it was impossible on the other hand that Pyrrhus, who had crossed the sea to shield and protect the Hellenes, could receive as his allies troops who had put to death their Rhegine hosts in their own houses. Thus they remained isolated, in close league with their kinsmen and comrades in crime, the Mamertines, that is, the Campanian mercenaries of Agathocles, who had by similar means gained possession of Messana on the opposite side of the straits; and they pillaged and laid waste for their own behoof the adjacent Greek towns, such as Croton, where they put to death the Roman garrison, and Caulonia, which they destroyed. On the other hand the Romans succeeded, by means of a weak corps which advanced along the Lucanian frontier and of the garrison of Venusia, in preventing the Lucanians and Samnites from uniting with Pyrrhus; while the main force —four legions as it would appear, and so, with a corresponding number of allied troops, at least 50,000 strong—marched against Pyrrhus, under the consul Publius Lævinus.

Battle near Heraclea. 280.

With a view to cover the Tarentine colony of Heraclea, the king had taken up a position with his own and the Tarentine troops between that city and Pandosia* (474). The Romans, covered by their cavalry, forced the passage of the Siris, and opened the battle with a fiery and successful cavalry charge; the king, who led his cavalry in person, was thrown from his horse, and the Greek horsemen, panic-struck by the disappearance of their leader, abandoned the field to the squadrons of the enemy. Pyrrhus, however, put himself at the head of his infantry, and began a fresh and more decisive

* Near the modern Anglona; not to be confounded with the better-known town of the same name in the district of Cosenza.

engagement. Seven times the legions and the phalanx met in shock of battle, and still the conflict was undecided. Then Megacles, one of the best officers of the king, fell, and, because on this hotly contested day he had worn the king's armour, the army for the second time believed that the king had fallen; the ranks wavered; Lævinus already felt sure of the victory, and threw the whole of his cavalry on the flank of the Greeks. But Pyrrhus, marching with uncovered head through the ranks of the infantry, revived the sinking courage of his troops. The elephants which had hitherto been kept in reserve, were brought up to meet the cavalry; the horses took fright at them; the soldiers, not knowing how to encounter the huge beasts, turned and fled; the masses of disordered horsemen and the pursuing elephants at length broke the compact ranks of the Roman infantry, and the elephants in concert with the excellent Thessalian cavalry wrought great slaughter among the fugitives. Had not a brave Roman soldier, Gaius Minucius, the first hastate of the fourth legion, wounded one of the elephants, and thereby thrown the pursuing troops into confusion, the Roman army would have been extirpated; as it was, the remainder of the Roman troops succeeded in retreating across the Siris. Their loss was great; 7000 Romans were found by the victors dead or wounded on the field of battle, 2000 were brought in prisoners; the Romans themselves stated their loss, including the wounded carried off the field, at 15,000 men. But Pyrrhus's army had suffered not much less; about 4000 of his best soldiers strewed the field of battle, and several of his ablest captains had fallen. Considering that his loss fell chiefly on the veteran soldiers who were far more difficult to be replaced than the Roman militia, and that he owed his victory only to the surprise produced by the attack of the elephants which could not be often repeated, the king, critic of tactics as he was, may well at an after period have described the victory as resembling a defeat; although he was not so foolish as to communicate that piece of self-criticism to the public (as the Roman poets afterwards invented the story) in the inscription of the votive offering presented by him at Tarentum. Primarily it mattered little in a political point of view at what sacrifices the victory was bought; the gain of the first battle against the Romans was of inestimable value for Pyrrhus. His talents as a general had been brilliantly displayed on this

new field, and if anything could breathe unity and energy into the languishing league of the Italians, the victory of Heraclea could not fail to do so. But even the immediate results of the victory were considerable and lasting. Lucania was lost to the Romans; Lævinus collected the troops stationed there and marched to Apulia. The Bruttians, Lucanians, and Samnites joined Pyrrhus unmolested. With the exception of Rhegium, which pined under the oppression of the Campanian mutineers, the whole of the Greek cities joined the king, and Locri was even voluntarily surrendered to him by the Roman garrison; in his case they were persuaded, and with reason, that they would not be abandoned to the Italians. The Sabellians and Greeks thus passed over to Pyrrhus, but the victory produced no further effect. The Latins showed no inclination to get quit of the Roman rule, burdensome as it might be, by the help of a foreign dynast. Venusia, although now wholly surrounded by enemies, adhered with unshaken steadfastness to Rome. Pyrrhus proposed to those taken prisoners on the Siris, whose brave demeanour the chivalrous king requited by the most honourable treatment, that they should enter his army; but he learned that he was fighting not with mercenaries, but with a people in arms. Not one, either Roman or Latin, took service with him.

Attempts at peace.

Pyrrhus proposed peace to the Romans. He was too sagacious a soldier not to recognize the precariousness of his footing, and too skilled a statesman not to profit opportunely by the moment, which placed him in the most favourable position for the conclusion of peace. He now hoped that under the first impression made by the great battle on the Romans he should be able to secure the freedom of the Greek towns in Italy, and to call into existence between them and Rome a series of states of the second and third order as dependent allies of the new Greek power; for such was the tenor of his demands: the release of all Greek towns—and therefore of the Campanian and Lucanian towns in particular—from allegiance to Rome, and restitution of the territory taken from the Samnites, Daunians, Lucanians, and Bruttians, or in other words especially the surrender of Luceria and Venusia. A further struggle with Rome might be inevitable, but it was not desirable at any rate to begin it till the western Hellenes should be united under one ruler, till Sicily should be acquired and perhaps Africa be conquered.

Provided with such instructions, Pyrrhus's confidential minister, the Thessalian Cineas, went to Rome. That dexterous negotiator, whom his contemporaries compared to Demosthenes so far as a rhetorician may be compared to a statesman and the minister of a sovereign to a popular leader, had orders publicly to proclaim the respect which the victor of Heraclea really felt for his vanquished opponents, to make known the wish of the king to come to Rome in person, to influence men's minds in the king's favour by panegyrics which sound so well in the mouth of an enemy, by earnest flatteries, and, as opportunity offered, also by well-timed gifts—in short to try upon the Romans all the arts of cabinet policy, as they had been tested at the courts of Alexandria and Antioch. The senate hesitated; to many it seemed a prudent course to draw back a step, and to wait till their dangerous antagonist should have further entangled himself or should be no more. But the grey-haired and blind consular Appius Claudius (censor 442, consul 447, 458), who had long withdrawn from state affairs, but got himself conducted at this decisive moment to the senate, breathed the unbroken energy of his own vehement nature in words of fire into the souls of the younger generation. They gave to the king's message the proud reply, which was first heard on this occasion and became thenceforth a maxim of the state, that Rome never negotiated so long as there were foreign troops on Italian ground; and to make good their words they dismissed the ambassador at once from the city. The object of the mission had failed, and the dexterous diplomatist, instead of producing an effect by his oratorical art, had on the contrary been himself impressed by such manly earnestness after so severe a defeat—he declared at home that every burgess in that city had seemed to him a king; in truth, the courtier had gained a sight of a free people. 312. 307. 296.

Pyrrhus, who during these negotiations had advanced into Campania, immediately on the news of their being broken off marched against Rome, to co-operate with the Etruscans, to shake the allies of Rome, and to threaten the city itself. But the Romans as little allowed themselves to be terrified as cajoled. At the summons of the herald "to enroll in the room of the fallen," the young men immediately after the battle of Heraclea had pressed forward in crowds to enlist; with the two newly formed legions and the corps withdrawn from Lucania, Lævinus, stronger than before, followed the Pyrrhus marches against Rome.

march of the king. He protected Capua against him, and frustrated his endeavours to enter into communications with Neapolis. So firm was the attitude of the Romans that, excepting the Greeks of Lower Italy, no allied state of any note dared to break off from the Roman alliance. Then Pyrrhus turned against Rome itself. Through a rich country, whose flourishing condition he beheld with astonishment, he marched against Fregellæ which he surprised, forced the passage of the Liris, and reached Anagnia, which is not more than forty miles from Rome. No army crossed his path; but everywhere the towns of Latium closed their gates against him, and with measured step Lævinus followed him from Campania, while the consul, Tiberius Coruncanius, who had just concluded a seasonable peace with the Etruscans, brought up a second Roman army from the north, and in Rome itself the reserve was preparing for battle under the dictator Gnæus Domitius Calvinus. In these circumstances Pyrrhus could accomplish nothing; no course was left to him but to retire. For a time he still remained inactive in Campania in presence of the united armies of the two consuls; but no opportunity occurred of striking an effective blow. When winter came on, the king evacuated the enemy's territory, and distributed his troops among the friendly towns, taking up his own winter quarters in Tarentum. Thereupon the Romans also desisted from their operations. The army occupied standing quarters near Firmum in the Picene territory, where by command of the senate the legions defeated on the Siris spent the winter, by way of punishment, under tents.

Second year of the war. [280. Thus ended the campaign of 474. The separate peace which at the decisive moment Etruria had concluded with Rome, and the king's unexpected retreat which entirely disappointed the sanguine hopes of the Italian confederates, counterbalanced in great measure the impression of the victory of Heraclea. The Italians complained of the burdens of the war, particularly of the bad discipline of the mercenaries quartered among them, and the king, weary of the petty quarrelling and of the impolitic as well as unmilitary conduct of his allies, began to feel that the problem which had fallen to him to solve, might be, despite all tactical successes, politically insoluble. The arrival of a Roman embassy of three consulars, including Gaius Fabricius the conqueror of Thurii, again revived in him for a moment the

hopes of peace; but it soon appeared that they had only power to treat for the ransom or exchange of prisoners. Pyrrhus rejected their demand, but at the festival of the Saturnalia he released all the prisoners on their word of honour. Their keeping of that word, and the repulse by the Roman ambassador of an attempt at bribery, were celebrated by posterity in a manner most unbecoming and betokening rather the dishonourable character of the later, than the honourable feeling of that earlier, epoch.

In the spring of 475 Pyrrhus resumed the offensive, and advanced into Apulia, whither the Roman army marched to meet him. In the hope of shaking the Roman symmachy in these regions by a decisive victory, the king offered battle a second time, and the Romans did not decline it. The two armies encountered each other near Ausculum (Ascoli di Puglia). Under the banner of Pyrrhus there fought, besides his Epirot and Macedonian troops, the Italian mercenaries, the burgess force—the white shields, as they were called—of Tarentum, and the allied Lucanians, Bruttians, and Samnites—altogether 70,000 infantry, of whom 16,000 were Greeks and Epirots, more than 8000 cavalry, and nineteen elephants. The Romans were supported on that day by the Latins, Campanians, Volscians, Sabines, Umbrians, Marrucinians, Pælignians, Frentanians, and Arpanians. They too numbered above 70,000 infantry, of whom 20,000 were Roman citizens, and 8000 cavalry. Both parties had made alterations in their military system. Pyrrhus, perceiving with the sharp eye of a soldier the advantages of the Roman manipular organization, had on the wings substituted for the long front of his phalanxes an arrangement by companies with intervals between them, in imitation of the cohorts, and (perhaps for political no less than for military reasons) had placed the Tarentine and Samnite cohorts between the subdivisions of his own men. In the centre alone the Epirot phalanx stood in close order. For the purpose of keeping off the elephants the Romans produced a species of war-chariot, from which projected iron poles furnished with chafing-dishes, and on which were fastened moveable masts adjusted so as to admit of lowering, and ending in an iron spike—in some degree the model of those boarding-bridges which were to play so great a part in the first Punic war.

Battle of Ausculum. [279.

According to the Greek account of the battle, which seems less one-sided than the Roman account also extant,

the Greeks had the disadvantage on the first day, as they did not succeed in deploying their line along the steep and marshy banks of the river where they were compelled to accept battle, or in bringing their cavalry and elephants into action. On the second day, however, Pyrrhus anticipated the Romans in occupying the intersected ground, and thus gained without loss the plain, where he could without disturbance draw up his phalanx. Vainly did the Romans with desperate courage fall sword in hand on the *sarissæ;* the phalanx preserved an unshaken front under every assault, but in its turn was unable to make any impression on the Roman legions. It was not till the numerous escort of the elephants had, with arrows and stones hurled from slings, dislodged the combatants stationed in the Roman war-chariots and had cut the traces of the horses, and the elephants pressed upon the Roman line, that it began to waver. The giving way of the guard attached to the Roman chariots formed the signal for universal flight, which, however, did not involve the sacrifice of many lives, as the adjoining camp received the fugitives. The Roman account of the battle alone mentions the circumstance, that during the principal engagement an Arpanian corps detached from the Roman main force had attacked and set on fire the weakly-guarded Epirot camp; but, even if this were correct, the Romans are not at all justified in their assertion that the battle remained undecided. Both accounts, on the contrary, agree in stating that the Roman army retreated across the river, and that Pyrrhus remained in possession of the field of battle. The number of the fallen was, according to the Greek account, 6000 on the side of the Romans, 3505 on that of the Greeks.* Amongst the wounded was the king himself, whose arm had been pierced with a javelin, while he was fighting, as was his wont, in the thickest of the fray. Pyrrhus had achieved a victory, but his were unfruitful laurels; the victory was creditable to the king as a general and as a soldier, but it did not promote his political

* These numbers appear credible. The Roman account assigns, probably in dead and wounded, 15,000 to each side; a later one even specifies 5000 as dead on the Roman, and 20,000 on the Greek side. These accounts may be mentioned here for the purpose of exhibiting, in one of the few instances where it is possible to check the statement, the untrustworthiness (almost without exception) of the reports of numbers, which are exaggerated by the unscrupulous invention of the annalists with avalanche-like rapidity.

designs. What Pyrrhus needed was a brilliant success which should break up the Roman army and give an opportunity and a stimulus to the wavering allies to change sides; but the Roman army and the Roman confederacy still remained unbroken, and the Greek army, which was nothing without its leader, was fettered for a considerable time in consequence of his wound. He was obliged to renounce the campaign and to go into winter quarters; which the king took up in Tarentum, the Romans on this occasion in Apulia. It was becoming daily more evident that in a military point of view the resources of the king were inferior to those of the Romans, just as, politically, the loose and refractory coalition could not stand a comparison with the firmly established Roman symmachy. The sudden and vehement style of the Greek warfare, and the genius of the general might perhaps achieve another such victory as those of Heraclea and Ausculum, but every new victory was wearing out his resources for further enterprise, and it was clear that the Romans already felt themselves the stronger, and awaited with a courageous patience final victory. Such a war as this was not the delicate game of art that was practised and understood by the Greek princes. All strategical combinations were shattered against the full and mighty energy of the national levy. Pyrrhus felt how matters stood: weary of his victories, and despising his allies, he only persevered because military honour required him not to leave Italy till he should have secured his clients from barbarian assault. With his impatient temperament it might be presumed that he would embrace the first pretext to get rid of the burdensome duty; and an opportunity of withdrawing from Italy was soon presented to him by the affairs of Sicily.

Relations of Sicily, Syracuse, and Carthage. [289.

After the death of Agathocles (465) the Greeks of Sicily were without any leading power. While in the several Hellenic cities incapable demagogues and incapable tyrants were replacing each other, the Carthaginians, the old rulers of the western point, were extending their dominion unmolested. After Agrigentum had surrendered to them, they believed that the time had come for taking final steps towards the end which they had kept in view for centuries, and for reducing the whole island under their authority; they set themselves to attack Syracuse. That city, which formerly by its armies and fleets had disputed the possession of the

island with Carthage, had through internal dissension and the weakness of its government fallen so low that it was obliged to seek for safety in the protection of its walls and in foreign aid; and none could afford that aid but King Pyrrhus. Pyrrhus was the husband of Agathocles's daughter, and his son Alexander, then sixteen years of age, was Agathocles' grandson. Both were in every respect natural heirs of the ambitious schemes of the ruler of Syracuse; and if her freedom was at an end, Syracuse might find compensation in becoming the capital of an Hellenic empire of the West. So the Syracusans, like the Tarentines, and under similar conditions, voluntarily offered their sovereignty to King Pyrrhus (about 475); and by a singular conjuncture of affairs everything seemed to concur towards the success of the magnificent plans of the Epirot king, based as they primarily were on the possession of Tarentum and Syracuse.

Pyrrhus invited to Syracuse.

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The immediate effect, indeed, of this union of the Italian and Sicilian Greeks under one control was a closer concert also on the part of their antagonists. Carthage and Rome now converted their old commercial treaties into an offensive and defensive league against Pyrrhus (475), the tenor of which was that if Pyrrhus invaded Roman or Carthaginian territory, the party which was not attacked should furnish that which was assailed with a contingent on its own territory and defray the expense of the auxiliary troops; that in such an event Carthage should be bound to furnish transports and to assist the Romans also with a war fleet, but the crews of that fleet should not be obliged to fight for the Romans by land; that lastly, both states should pledge themselves not to conclude a separate peace with Pyrrhus. The object of the Romans in entering into the treaty was to facilitate their attack on Tarentum and to cut off Pyrrhus from his own country, neither of which ends could be attained without the co-operation of the Punic fleet; the object of the Carthaginians was to detain the king in Italy, so that they might be able without molestation to carry into effect their designs on Syracuse.* It was accordingly the interest of

League between Rome and Carthage.

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* The later Romans, and the moderns following them, give a version of the league, as if the Romans had designedly avoided accepting the Carthaginian help in Italy. This would have been irrational, and the facts pronounce against it. The circumstance that Mago did not land at Ostia is to be explained not by any such foresight, but simply by the fact that Latium was not at all threatened by Pyrrhus and so did not need Carthaginian aid; and the Carthaginians certainly fought for Rome in front of Rhegium.

both powers in the first instance to secure the sea between Italy and Sicily. A powerful Carthaginian fleet of 120 sail, under the admiral Mago, proceeded from Ostia, whither Mago seems to have gone to conclude the treaty, to the Sicilian straits. The Mamertines, who anticipated righteous punishment for their outrage upon the Greek population of Messana in the event of Pyrrhus becoming ruler of Sicily and Italy, attached themselves closely to the Romans and Carthaginians, and secured for them the Sicilian side of the straits. The allies would willingly have reduced Rhegium on the opposite coast under their power; but Rome could not possibly pardon the Campanian garrison, and an attempt of the combined Romans and Carthaginians to gain the city by force of arms miscarried. The Carthaginian fleet sailed thence for Syracuse, and blockaded the city by sea, while at the same time a strong Phœnician army began the siege by land (476). It was high time that Pyrrhus should ap- 278.
pear at Syracuse; but, in fact, matters in Italy were by no Third year
means in such a condition that he and his troops could be of the war.
dispensed with there. The two consuls of 476, Gaius Fabri- 278.
cius Luscinus, and Quintus Æmilius Papus, both experienced generals, had begun the new campaign with vigour, and although the Romans had hitherto sustained nothing but defeat in this war, it was not they but the victors that were weary of it, and longed for peace. Pyrrhus made another attempt to obtain an accommodation on tolerable terms. The consul Fabricius had handed over to the king a wretch, who had proposed to poison him on condition of being well paid for it. Not only did the king in token of gratitude release all his Roman prisoners without ransom, but he felt himself so moved by the generosity of his brave opponents that he offered, by way of personal recompense, a singularly fair and favourable peace. Cineas appears to have gone once more to Rome, and Carthage seems to have been seriously apprehensive that Rome might come to terms. The senate, however, remained firm, and repeated its former answer. Unless the king was willing to allow Syracuse to fall into the hands of the Carthaginians and to have his grand scheme thereby disconcerted, no other course remained than to abandon his Italian allies and to confine himself for the time being to the occupation of the most important seaports, particularly Tarentum and Locri. In vain the Lucanians and Samnites conjured him not to desert them; in vain

the Tarentines summoned him either to comply with his duty as their general, or to give them back their city. The king met their complaints and reproaches with the consolatory assurance that better times were coming, or with abrupt dismissal. Milo remained behind in Tarentum; Alexander, the king's son, in Locri; and Pyrrhus, with his main force, embarked in the spring of 476 at Tarentum for Syracuse.

Embarkation of Pyrrhus for Sicily. 278.

By the departure of Pyrrhus the hands of the Romans were set free in Italy; none ventured to oppose them in the open field, and their antagonists everywhere confined themselves to their fastnesses or their forests. The struggle however was not terminated so rapidly as might have been expected; partly in consequence of its nature as a warfare of mountain skirmishes and sieges, partly also, it is probable, from the exhaustion of the Romans, whose fearful losses are indicated by a decrease of 17,000 in the burgess-roll from 473 to 479. In 476 the consul Gaius Fabricius succeeded in inducing the considerable Tarentine settlement of Heraclea to enter into a separate peace, which was granted to it on the most favourable terms. In 477 a desultory warfare was carried on in Samnium, where an attack thoughtlessly made on some entrenched heights cost the Romans many lives, and thereafter in southern Italy, where the Lucanians and Bruttians were defeated. On the other hand Milo, issuing from Tarentum, anticipated the Romans in their attempt to surprise Croton: the Epirot garrison made even a successful sortie against the besieging army. At length, however, the consul succeeded by a stratagem in inducing it to march forth, and in possessing himself of the undefended town (477). An incident of more moment was the slaughter of the Epirot garrison by the Locrians, who had formerly surrendered the Roman garrison to the king, and now atoned for one act of treachery by another. By that step the whole south coast came into the hands of the Romans, with the exception of Rhegium and Tarentum. These successes, however, advanced their main object but little. Lower Italy itself had long been defenceless; but Pyrrhus was not subdued so long as Tarentum remained in his hands and enabled him to renew the war at his pleasure, and the Romans could not think of undertaking the siege of that city. Even apart from the fact that in siege-warfare, which had been revolutionized by Philip of Macedon and Demetrius Poliorcetes, the Romans were at a very decided disadvantage when

The war in Italy flags.

281. 275. 278.

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matched against an experienced and resolute Greek commandant, a strong fleet was needed for such an enterprise, and, although the Carthaginian treaty promised to the Romans support by sea, the affairs of Carthage herself in Sicily were by no means in such a condition as to enable her to grant that support.

The landing of Pyrrhus on the island, which, in spite of the Carthaginian fleet, had taken place without interruption, had changed at once the aspect of matters there. He had immediately relieved Syracuse, had in a short time united under his sway all the free Greek cities, and at the head of the Sicilian confederation had wrested from the Carthaginians nearly their whole possessions. It was with difficulty that the Carthaginians could, by the help of their fleet which at that time ruled the Mediterranean without a rival, maintain themselves in Lilybæum; it was with difficulty, and amidst constant assaults, that the Mamertines held their ground in Messana. Under such circumstances, agreeably to the treaty of 475, it seemed proper that Rome should lend her aid to the Carthaginians in Sicily, rather than that Carthage with her fleet should help the Romans to conquer Tarentum; but on neither side was there much inclination to secure or to extend the power of the other. Carthage had only offered help to the Romans when the real danger was past; they in their turn had done nothing to prevent the departure of the king from Italy and the fall of the Carthaginian power in Sicily. Indeed, in open violation of the treaties Carthage had even proposed to the king a separate peace, offering, in return for the undisturbed possession of Lilybæum, to give up all claim to her other Sicilian possessions, and even to place at the king's disposal money and ships of war, of course with a view to his crossing to Italy and renewing the war against Rome. It was evident, however, that with the possession of Lilybæum and the departure of the king the position of the Carthaginians in the island would be nearly the same as it had been before the landing of Pyrrhus; the Greek cities if left to themselves were powerless, and the lost territory would be easily regained. So Pyrrhus rejected the doubly perfidious proposal, and proceeded himself to build a war fleet. Mere ignorance and shortsightedness in aftertimes censured this step; but it was quite as necessary as it was, with the resources of the island, easy of accomplishment. Apart from the considera-

Pyrrhus master of Sicily.

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tion that the sovereign of Ambracia, Tarentum, and Syracuse could not dispense with a naval force, he needed a fleet to conquer Lilybæum, to protect Tarentum, and to attack Carthage at home as Agathocles, Regulus, and Scipio did before or afterwards so successfully. Pyrrhus never was so
276. near to the attainment of his aim as in the summer of 478, when he saw Carthage humbled before him, commanded Sicily, and retained a firm footing in Italy by the possession of Tarentum, and when the newly-created fleet, which was to connect, to secure, and to augment these successes, lay ready for sea in the harbour of Syracuse.

The Sicilian government of Pyrrhus.

The real weakness of the position of Pyrrhus lay in his defective internal policy. He governed Sicily as he had seen Ptolemy rule in Egypt; he showed no respect to the local constitutions; he placed his confidants as magistrates over the cities whenever, and for as long as, he pleased; he made his courtiers judges instead of the native jurymen; he pronounced arbitrary sentences of confiscation, banishment, or death, even against those who had been most active in promoting his coming thither; he placed garrisons in the towns, and ruled over Sicily not as the leader of a national league, but as a king. In so doing he probably reckoned himself, according to oriental-Hellenistic ideas, a good and wise ruler, and perhaps he really was so; but the Greeks bore such a transplantation of the oriental system to Syracuse with all the impatience of a nation that in its long struggles for freedom had lost all habits of discipline; the Carthaginian yoke very soon appeared to the foolish people more tolerable than their new military government. The principal cities entered into communications with the Carthaginians, and even with the Mamertines; a strong Carthaginian army ventured again to appear on the island; and, everywhere supported by the Greeks, it made rapid progress. In the battle which Pyrrhus waged with it fortune was, as usual, with the "Eagle;" but the circumstances served to show what the state of feeling was in the island, and what might and must ensue when the king should depart.

Departure of Pyrrhus from Italy.

To this first and most essential error Pyrrhus added a second; he proceeded with his fleet, not to Lilybæum, but to Tarentum. It was evident, looking to the very ferment in the minds of the Sicilians, that he ought first of all to have driven the Carthaginians wholly from the island, and thereby to have cut off the discontented from their last support,

before he turned his attention to Italy; in that quarter there was nothing to be lost, for Tarentum was safe enough, and the other allies were of little moment now that they had once been abandoned. It is not unlikely, that his soldier-spirit impelled him to wipe off the stain of his not very honourable departure in 476 by a brilliant return, and that his heart bled when he heard the complaints of the Lucanians and Samnites. But problems, such as Pyrrhus had proposed to himself, can only be solved by men of iron nature, who are able to control their feelings of compassion and even of honour; and Pyrrhus was not one of these. 278.

The fatal embarkation took place towards the end of 478. On the voyage the new Syracusan fleet had to sustain a sharp engagement with the Carthaginians, and lost a considerable number of vessels. The departure of the king and the account of this first misfortune sufficed for the fall of the Sicilian kingdom. On the news reaching them, all the cities refused to the absent king money and troops; and the brilliant state crumbled to pieces even more rapidly than it had arisen, partly because the king had himself undermined in the hearts of his subjects that loyalty and affection on which every state depends, partly because the people lacked the devotedness to renounce freedom, for it might be but a short term, in order to save their nationality. Thus the enterprise of Pyrrhus was wrecked, and the plan of his life was ruined irretrievably; he is thenceforth an adventurer, who feels that he has been great and is so no longer, and who now wages war not as a means to an end, but in order to drown thought amidst the reckless excitement of the game, and to find, if possible, in the tumult of battle a soldier's death. Arrived on the Italian coast, the king began by an attempt to get possession of Rhegium; but the Campanians repulsed the attack with the aid of the Mamertines, and in the heat of the conflict before the town the king himself was wounded in the act of striking down an officer of the enemy. On the other hand he surprised Locri, whose inhabitants suffered severely for their slaughter of the Epirot garrison, and he plundered the rich treasury of the temple of Persephone there to replenish his empty exchequer. Thus he arrived at Tarentum, it is said with 20,000 infantry and 3000 cavalry. But these were no longer the experienced veterans of former days, and the Italians no longer hailed them as deliverers; the confidence and hope with which they had

Fall of the Sicilian kingdom. [276.

Recommencement of the Italian war.

received Pyrrhus five years before were gone; the allies were destitute of men and of money.

Battle near Beneventum. [276.

The king took the field in the spring of 479 with the view of aiding the hard-pressed Samnites, in whose territory the Romans had passed the previous winter; and he forced the consul Manius Curius to give battle near Beneventum at the *campus Arusinus*, before he could form a junction with his colleague advancing from Lucania. But the division of the army, which was intended to take the Romans in flank, lost its way during a night march in the woods, and failed to appear at the decisive moment; and after a hot conflict the elephants again decided the battle, but decided it in favour of the Romans, for, thrown into confusion by the archers who were stationed to protect the camp, they attacked their own people. The victors occupied the camp; there fell into their hands 1300 prisoners and four elephants —the first that were seen in Rome—besides an immense spoil, from the proceeds of which the aqueduct, which conveyed the water of the Anio from Tibur to Rome, was subsequently built. Without troops to keep the field and without money, Pyrrhus applied to his allies who had contributed to his equipment for Italy, the kings of Macedonia and Asia; but even in his native land he was no longer feared, and his request was refused. Despairing of success against Rome and exasperated by these refusals, Pyrrhus left a garrison in Tarentum, and went home himself in the same year (479) to Greece, where some prospect of gain might open up to the desperate player sooner than amidst the steady and measured course of Italian affairs. In fact, he not only rapidly recovered the portion of his kingdom that had been taken away, but once more grasped, and not without success, at the Macedonian throne. But his last plans also were thwarted by the calm and cautious policy of Antigonus Gonatas, and still more by his own vehemence and inability to tame his proud spirit; he still gained battles, but he gained no further enduring successes, and met his death in a miserable street combat in Peloponnesian Argos (482).

Pyrrhus leaves Italy. 275.

Death of Pyrrhus. [272.

Last struggles in Italy.

In Italy the war came to an end with the battle of Beneventum; the last convulsive struggles of the national party died slowly away. So long indeed as the warrior prince, whose mighty arm had ventured to grasp the reins of destiny in Italy, was still among the living, he held, even when absent, the stronghold of Tarentum against Rome. Al-

though after the king's departure the peace party recovered ascendancy in the city, Milo, who commanded there on behalf of Pyrrhus, rejected their suggestions and, while allowing the citizens favourable to Rome who had erected a separate fort for themselves in the territory of Tarentum, to conclude peace with Rome on their own account as they pleased, did not open his gates. But when after the death of Pyrrhus a Carthaginian fleet entered the harbour, and Milo saw that the citizens were on the point of delivering up the city to the Carthaginians, he preferred to hand over the citadel to the Roman consul Lucius Papirius (482), and by that means to secure a free departure for himself and his troops. For the Romans this was an immense piece of good fortune. After the experiences of Philip before Perinthus and Byzantium, of Demetrius before Rhodes, and of Pyrrhus before Lilybæum, it may be doubted whether the strategy of that period was at all able to compel the surrender of a town well fortified, well defended, and accessible by sea; and how different a turn matters might have taken, had Tarentum become to the Phœnicians in Italy what Lilybæum was to them in Sicily! What was done, however, could not be undone. The Carthaginian admiral, when he saw the citadel in the hands of the Romans, declared that he had only appeared before Tarentum conformably to the treaty to lend assistance to his allies in the siege of the town, and set sail for Africa; and the Roman embassy, which was sent to Carthage to demand explanations and make complaints regarding the attempted occupation of Tarentum, brought back nothing but a solemn confirmation on oath of that assertion as to its friendly design, with which accordingly the Romans had for the time to rest content. The Tarentines obtained from Rome, probably on the intercession of citizens who had emigrated thither, the restoration of their autonomy; but their arms and ships had to be given up, and their walls to be pulled down.

Capture of Tarentum.

272.

In the same year, in which Tarentum became Roman, the Samnites, Lucanians, and Bruttians finally submitted; the latter were obliged to cede the half of the lucrative, and for ship-building important, forest of Sila.

Submission of Lower Italy.

At length also the band that for ten years had sheltered themselves in Rhegium were duly chastised for the breach of their military oath, as well as for the murder of the citizens of Rhegium and of the garrison of Croton. In this

instance Rome, while vindicating her own rights, vindicated the general cause of the Hellenes against the barbarians. Hiero, the new ruler of Syracuse, accordingly supported the Romans before Rhegium by sending supplies and a contingent, and at the same time with the Roman expedition against the garrison of Rhegium he planned an attack upon their fellow-countrymen and fellow-criminals, the Mamertines of Messana. The siege of the latter town was long protracted. On the other hand Rhegium, although the mutineers resisted long and obstinately, was stormed by the
270. Romans in 484; the survivors of the garrison were scourged and beheaded in the public market at Rome, while the old inhabitants were recalled and, as far as possible, reinstated
270. in their possessions. Thus all Italy was, in 484, reduced to subjection. The Samnites alone, the most obstinate antagonists of Rome, still, despite the official conclusion of peace,
269. maintained a guerilla warfare, so that in 485 both consuls had to be once more despatched against them. But even the most high-spirited national courage—the bravery of despair—comes to an end; the sword and the gibbet at length carried peace even into the mountains of Samnium.

Construction of new fortresses and roads. 273. 268. 263. 268. 264.

For the securing of these immense acquisitions a new series of colonies was instituted: Pæstum and Cosa in Lucania (481); Beneventum (486), and Æsernia (about 491), to hold Samnium in check; and, as outposts against the Gauls, Ariminum (486), Firmum in Picenum (about 490), and the burgess colony of Castrum Novum. Preparations were made for the continuation of the great south highway (which acquired in the fortress of Beneventum a new station intermediate between Capua and Venusia) as far as the seaports of Tarentum and Brundisium, and for the colonization of the latter seaport, which Roman policy had selected as the rival and successor of the Tarentine emporium. The construction of the new fortresses and roads gave rise to some further wars with the small tribes, whose
269. territory was thereby curtailed: with the Picentes (485,
268. 486), a number of whom were transplanted to the district of
267. 266. Salernum; with the Sallentines (487, 488); and with the Umbrian Sassinates (487, 488), the latter of whom seem to have occupied the territory of Ariminum after the expulsion of the Senones. By these establishments the dominion of Rome was extended over the interior of Lower Italy, and generally from the Apennines to the Ionian sea.

It remains that we should glance at the maritime relations that subsisted in the fourth and fifth centuries. At this period Syracuse and Carthage were the main competitors for the dominion of the western waters. On the whole, notwithstanding the great temporary successes which Dionysius (348–389), Agathocles (437–465), and Pyrrhus (476–478) obtained at sea, Carthage had the preponderance, and Syracuse sank more and more into a second-rate naval power. The maritime importance of Etruria was wholly gone (P. 333); the hitherto Etruscan island of Corsica, if it did not quite pass into the possession, fell under the maritime supremacy, of the Carthaginians. Tarentum, which for a time had played a considerable part, had its power broken by the Roman occupation. The brave Massiliots maintained their ground in their own waters; but they exercised no material influence over the course of events in those of Italy. The other maritime cities hardly require to be taken into serious account. Maritime relations. {406–365. 317–289. 278–276.

Rome itself was not exempt from a similar fate; its own waters were likewise commanded by foreign fleets. It was indeed from the first a maritime city, and in the period of its vigour never was so foolish or so untrue to its ancient traditions as wholly to neglect its war marine and to desire to be a mere continental power. Latium furnished the finest timber for ship-building, far surpassing the famed growths of Lower Italy; and the docks, constantly maintained in Rome, alone show that the Romans never gave up the idea of possessing a fleet of their own. During the perilous crises, however, which the expulsion of the kings, the internal disturbances in the Romano-Latin confederacy, and the unhappy wars with the Etruscans and the Celts brought upon Rome, the Romans could take little or no interest in the state of matters in the Mediterranean; and, in consequence of the policy of Rome directing itself more and more decidedly to the subjugation of the Italian continent, the growth of its naval power was arrested. There is hardly any mention of Latin vessels of war up to the end of the fourth century, except that the votive offering from the Veientine spoil was sent to Delphi in a Roman vessel (360). The Antiates indeed continued to prosecute their commerce with armed vessels and, when occasion offered, to practise the trade of piracy also, and the "Tyrrhene corsair," Postumius, whom Timoleon captured about 415, Decline of the Roman naval power. c. 350. 394. 339.

may certainly have been an Antiate; but the Antiates were scarcely to be reckoned among the naval powers of that period, and, had they been so, it must, from the attitude of Antium towards Rome, have been anything but an advantage to the latter. The extent to which the Roman naval power
350. had declined about the year 400 is shown by the plundering of the Latin coasts by a Greek, probably a Sicilian, war fleet
349. in 405, while at the same time Celtic hordes were traversing and devastating the Latin land (P. 344). In the following
348. year (406), and beyond doubt under the immediate impression produced by these disastrous events, the Roman community and the Phœnicians of Carthage, acting respectively for themselves and for their dependent allies, concluded a treaty of commerce and navigation—the oldest Roman document whose text has reached us, and that only in a Greek translation.* In that treaty the Romans had to come under obligation not to navigate, except under pressure of necessity, the waters beyond the Fair Promontory (Cape Bon) on the Libyan coast. On the other hand they obtained the privilege of freely trading, like the natives, in Sicily, so far as it was Carthaginian; and in Africa and Sardinia they obtained at least the right to dispose of their merchandise at a price fixed with the concurrence of the Carthaginian officials, and guaranteed by the Carthaginian community. The privilege of free trading seems to have been granted to the Carthaginians in Rome at least, perhaps in all Latium; only they bound themselves neither to do violence to the subject Latin communities (P. 360), nor, if they should set foot as enemies on Latin soil, to take up their quarters for a night on shore (in other words not to extend their piratical inroads into the interior), nor to construct any fortresses in the Latin land.

We may probably assign to the same period the already mentioned (P. 403) treaty between Rome and Tarentum, respecting the date of which we are only told that it was
282. concluded a considerable time before 472. By it the Romans bound themselves (for what concessions on the part of Tarentum is not stated) not to navigate the waters to the east of the Lacinian promontory—a stipulation by which they were wholly excluded from the eastern basin of the Mediterranean.

* See Note at the end of this chapter.

These were disasters no less than the defeat on the Allia, and the Roman senators seem to have felt them as such, and to have made use of the favourable turn, which their relations in Italy assumed soon after the conclusion of the humiliating treaties with Carthage and Tarentum, with all their energy to improve their depressed maritime position. The most important of the coast towns were furnished with Roman colonies: Pyrgi, the seaport of Cære, the colonization of which probably falls within this period; along the Latin coast, Antium in 416 (P. 368), Tarracina in 425 (P. 368), the modern isle of Ponza in 441 (P. 380), so that, as Ostia, Ardea, and Circeii had previously received colonists, all the Latin seaports of consequence were now Latin or burgess colonies; on the Campanian and Lucanian coasts, Minturnæ and Sinuessa in 459 (P. 392), Pæstum and Cosa in 481 (P. 424); and on the coast of the Adriatic, Sena Gallica and Castrum Novum about 471 (P. 403), and Ariminum in 486 (P. 424), to which falls to be added the occupation of Brundisium, which took place immediately after the close of the Pyrrhic war. In the greater part of these places—the burgess or maritime colonies*—the young men were exempted from serving in the legions, and destined solely for the watching of the coasts. The well-judged preference given at the same time to the Greeks of Lower Italy over their Sabellian neighbours, particularly to the considerable communities of Neapolis, Rhegium, Locri, Thurii, and Heraclea, and their similar exemption under the like conditions from furnishing contingents to the land army, completed the network drawn by Rome around the coasts of Italy.

Roman fortification of the coast.

338. 329 313. 295. 273. 283. 268.

But with a statesmanlike sagacity, from which the succeeding generations might have drawn a lesson, the leading men of the Roman commonwealth perceived that all these coast fortifications and coast garrisons would prove inadequate, unless the war marine of the state were again placed on a footing that should command respect. Some sort of nucleus for this purpose, was already furnished on the subjugation of Antium (416) by the serviceable war-galleys which were carried off to the Roman docks; but the enactment at the same time, that the Antiates should abstain from all mari-

The Roman fleet.

338.

* These were Pyrgi, Ostia, Antium, Tarracina, Minturnæ, Sinuessa, Sena Gallica, and Castrum Novum.

time traffic,* is a very clear and distinct indication how weak the Romans then felt themselves at sea, and how completely their maritime policy was still summed up in the occupation of places on the coast. Thereafter, when the Greek
326. cities of southern Italy, Neapolis leading the way in 428, were admitted to the clientship of Rome, the war-vessels, which each of these cities bound itself to furnish as a war contribution under the alliance to the Romans, formed
311. at least a renewed nucleus for a Roman fleet. In 443, moreover, two fleet-masters (*duoviri navales*) were nominated, in consequence of a resolution of the people specially passed to that effect, and this Roman naval force co-operated in the Samnite war at the siege of Nuceria (P. 383). Perhaps even the remarkable mission of a Roman fleet of twenty-five sail to found a colony in Corsica, which Theophrastus mentions in his "History of Plants" written about
307. 447, belongs to this period. But how little was immediately accomplished with all this preparation, is shown by the
306. renewed treaty with Carthage in 448. While the stipula-
348. tions of the treaty of 406 relating to Italy and Sicily (P. 426) remained unchanged, the Romans were now prohibited not only from the navigation of the eastern waters, but also from that of the Atlantic Ocean which was previously permitted, as well as debarred from holding commercial intercourse with the subjects of Carthage in Sardinia and Africa, and also, in all probability, from effecting a settlement in Corsica;† so that

* This statement is as distinct (Liv. viii. 14: *interdictum mari Antiati populo est*) as it is intrinsically credible; for Antium was inhabited not merely by colonists, but also by its former citizens who had been nursed in enmity to Rome (P. 368). This view is, no doubt, inconsistent with the Greek accounts,
323. which assert that Alexander the Great (+ 431) and Demetrius Poliorcetes
383. (+ 471) lodged complaints at Rome regarding Antiate pirates. The former statement is of the same stamp, and perhaps from the same source, with that regarding the Roman embassy to Babylon (P. 394). It seems more likely that Demetrius Poliorcetes may have tried by edict to put down piracy in the Tyrrhene sea which he had never eyes upon, and it is not at all inconceivable that the Antiates may have even as Roman citizens, in defiance of the prohibition, continued for a time their old trade in an underhand fashion; much dependence must not, however, be placed even on the second story.

† According to Servius (*in Æn.* iv. 628) it was stipulated in the Romano-Carthaginian treaties, that no Roman should set foot on (or rather occupy) Carthaginian, and no Carthaginian on Roman, soil, but Corsica was to remain in a neutral position between them (*ut neque Romani ad littora Carthaginiensium accederent neque Carthaginienses ad littora Romanorum . . . . . Corsica esset media inter Romanos et Carthaginienses*). This appears to refer to our present period, and the colonization of Corsica seems to have been prohibited by this very treaty.

only Carthaginian Sicily and Carthage itself remained open to their traffic. We recognize here the jealousy of the dominant maritime power, gradually increasing with the extension of the Roman dominion along the coasts. Carthage compelled the Romans to acquiesce in her prohibitive system, to submit to be excluded from the seats of production in the west and east (connected with which exclusion is the story of a public reward bestowed on the Phœnician mariner who at the sacrifice of his own ship decoyed a Roman vessel, steering after him into the Atlantic Ocean, to perish on a sand-bank), and to restrict their navigation under the treaty to the narrow space of the western Mediterranean—and all this for the mere purpose of averting pillage from their coasts and of securing their ancient and important trading connection with Sicily. The Romans were obliged to yield to these terms; but they did not desist from their efforts to rescue their marine from its condition of impotence.

Quæstors of the fleet. 267.

A comprehensive measure with that view was the institution of four quæstors of the fleet (*quæstores classici*) in 487: of whom the first was stationed at Ostia the port of Rome; the second, stationed at Cales then the capital of Roman Campania, had to superintend the ports of Campania and Magna Græcia; the third, stationed at Ariminum, superintended the ports on the other side of the Apennines; the district assigned to the fourth is not known. These new standing officials were intended to exercise not the sole, but a conjoint, guardianship of the coasts, and to form a war marine for their protection. The objects of the Roman senate—to recover their independence by sea, to cut off the maritime communications of Tarentum, to close the Adriatic against fleets coming from Epirus, and to emancipate themselves from Carthaginian supremacy—were very obvious. Their already explained relations with Carthage during the last Italian war discover traces of such views. King Pyrrhus indeed drove the two great cities once more—it was for the last time—to conclude an offensive alliance; but the lukewarmness and faithlessness of that alliance, the attempts of the Carthaginians to establish themselves in Rhegium and Tarentum, and the immediate occupation of Brundisium by the Romans after the termination of the war, show clearly how much their respective interests already came into collision.

Variance between Rome and Carthage.

Rome very naturally sought to find support against Carthage

Rome and the Greek naval powers.

from the Hellenic maritime states. Her old and close relations of amity with Massilia continued uninterrupted. The votive offering sent by Rome to Delphi, after the conquest of Veii, was preserved there in the treasury of the Massiliots. After the capture of Rome by the Celts there was a collection in Massilia for the sufferers by the fire, in which the city-chest took the lead; in return the Roman senate granted commercial advantages to the Massiliot merchants, and, at the celebration of the games, assigned a position of honour to the Massiliots by the side of the platform for the senators (*Græcostasis*). To the same category belong the treaties of commerce and amity concluded by the Romans
306. about 448 with Rhodes and not long after with Apollonia, a considerable mercantile town on the Epirot coast, and especially the closer relations, so fraught with danger for Carthage, which immediately after the end of the Pyrrhic war sprung up between Rome and Syracuse (P. 424).

While the Roman power by sea was thus very far from keeping pace with the immense development of their power by land, and the war marine belonging to the Romans in particular was by no means such as from the geographical and commercial position of the city it ought to have been, yet it began gradually to emerge out of the complete
350. nullity to which it had been reduced about 400; and, considering the great resources of Italy, the Phœnicians might well follow its efforts with anxious eyes.

United Italy.

The crisis in reference to the supremacy of the Italian waters was approaching; by land the contest was decided. For the first time Italy was united into one state under the sovereignty of the Roman community. What political privileges the Roman community on this occasion withdrew from the various other Italian communities and took into its own sole keeping, or in other words, what conception of political power is to be associated with this sovereignty of Rome, we are nowhere expressly informed, and (a significant circumstance indicating prudent calculation) there does not even exist any generally recognized expression for that conception.* The only privileges that demonstrably be-

* The clause, by which a dependent people binds itself "to uphold in a friendly manner the sovereignty of that of Rome" (*maiestatem populi Romani comiter conservare*), is certainly the technical appellation of that mildest form of subjection, but it probably did not come into use till a considerably later period

longed to it were the right of making war, of concluding treaties, and of coining money. No Italian community could declare war against any foreign state, or even negotiate with it, or coin money for circulation. On the other hand every war and every state-treaty resolved upon by the Roman people were binding in law on all the other Italian communities, and the silver money of Rome was legally current throughout all Italy. It is probable that formally the general rights of the leading community extended no further. But to these rights there was necessarily attached a prerogative of sovereignty that practically went far beyond them.

The relations, which the Italians sustained to the leading community, exhibited in detail great inequalities. In this point of view, in addition to the full burgesses of Rome, there were three different classes of subjects to be distinguished. The full franchise itself, in the first place, was extended as far as was possible, without wholly abandoning the idea of an urban commonwealth in the case of the Roman commune. Not only was the old burgess-domain extended by individual assignation far into Etruria on the one hand and into Campania on the other, but, after the example was first set in the case of Tusculum, a great number of communities more or less remote were gradually incorporated with the Roman state and merged in it completely. It has been already mentioned (P. 356, 368), that in consequence of the repeated insurrections of the Latins against Rome, a considerable portion of the original members of the Latin league were compelled to enter the ranks of the full Roman burgesses. The same course was followed in 486 with all the communities of the Sabines, who were closely related to the Romans, and had sufficiently approven their fidelity in the last severe war. In a similar way and for the like reasons, a number of communities of the former Volscian territory appear to have been about the same time transferred from the class of subjects to that of burgesses. These originally Sabine and Volscian, but probably by that time essentially Romanized, communes were the first members of properly alien lineage incorporated in the Roman burgess union. To these there fell

The full Roman franchise.

268.

(Cic. *pro Balbo*, xvi. 35). The appellation of clientship derived from private law, aptly as in its very indefiniteness it denotes the relation (Dig. xlix. 15, 7, 1) was scarcely applied to it officially in earlier times.

to be added the just-mentioned maritime or burgess colonies, as they were called, in which the whole inhabitants likewise possessed the full Roman franchise. Accordingly the Roman burgess body probably extended northward as far as the neighbourhood of Cære, eastward to the Apennines, and southward as far as, or beyond, Formiæ. In its case, however, we cannot use the term "boundaries" in a strict sense. Isolated communities within this region, such as Tibur, Præneste, Signia, and Norba, had not the Roman franchise; others beyond its bounds, such as Sena, possessed it; and it is probable that families of Roman farmers were already dispersed throughout all Italy, either altogether isolated or associated in villages.

Subject communities.

Among the subject communities the most privileged and most important class was that of the Latin towns, which now embraced but few of the original participants in the Alban festival (and these, with the exception of Tibur and Præneste, altogether insignificant communities), but on the other hand obtained accessions equally numerous and important in the autonomous communities founded by Rome in and even beyond Italy—the Latin colonies as they were called—and was always increasing in consequence of new settlements of the same nature. Beyond doubt these Latin communities were constantly undergoing curtailments of their rights and privileges, and their position became gradually changed from that of allies to that of subjects. We have already described the abolition of the league itself, and the loss of the most important political privileges belonging to the communities as well as of their former entire equality of rights. On the complete subjugation of Italy a further step was taken, and a movement was made towards the restriction of the personal rights (that had not hitherto been touched) of the individual Latin, especially the important right of freedom of settlement. It is true that the privileges secured by stipulation to the older communities were not touched; but in the case of Ariminum founded in 268. 486, and of all the autonomous communities constituted afterwards, the privilege of acquiring by settlement in Rome the passive franchise and even a sort of suffrage there (P. 352) was no longer conceded. The main advantage enjoyed by them, as compared with other subjects, consisted in their equalization with burgesses of the Roman community so far as regarded private rights—those of traffic and

Latins.

barter as well as those of inheritance. The Roman franchise was in future conferred only on such citizens of these Latin communities as had filled a public magistracy in them: in that case, however, it was, apparently from the first, conferred without any limitation of rights.* This clearly shows the complete revolution in the position of Rome. So long as Rome was still but one among the many urban communities of Italy (although that one might be the first), admission even to the unrestricted Roman franchise was universally regarded as a gain for the admitting community and as a loss of privilege for those admitted; and the acquisition of that franchise by non-burgesses was facilitated in every way, and was in fact often imposed on them as a punishment. But after the Roman community became sole sovereign and all the others were its servants, the state of matters changed. The Roman community began jealously to guard its franchise, and accordingly put an end in the first instance to the old full liberty of migration; although the statesmen of that period were wise enough still to keep admission to the Roman franchise legally open at least to the men of eminence and of capacity in the highest class of

* According to the testimony of Cicero (*pro Cæc.* 35) Sulla gave to the Volaterrans the former *jus* of Ariminum, that is—adds the orator—the *jus* of the "twelve colonies" which had not the Roman *civitas* but had full *commercium* with the Romans. Few things have been so much discussed as the question to what places this *jus* of the twelve towns refers; and yet the answer is not far to seek. There were in Italy and Cisalpine Gaul (laying aside some places that soon disappeared again) thirty-four Latin colonies established in all. The twelve most recent of these—Ariminum, Beneventum, Firmum, Æsernia, Brundisium, Spoletium, Cremona, Placentia, Copia, Valentia, Bononia, and Aquileia, are those here referred to; and because Ariminum was the oldest of these and the town in reference to which this new organization was primarily established, partly perhaps also because it was the first Roman colony founded beyond Italy—the *jus* of these colonies rightly took its name from Ariminum. This at the same time demonstrates the truth of the view—which already had on other grounds very high probability—that all the colonies established in Italy (in the wider sense of the term) after the founding of Aquileia belonged to the class of burgess colonies.

We cannot fully determine the extent to which the curtailment of the rights of the later Latin towns was carried, as compared with the earlier. Of course the right of settlement, as such, was not withdrawn from the burgesses of these towns, for in law every one who was not an enemy, or interdicted from fire and water, was at liberty to take up his abode in Rome. If intermarriage, as is not improbable but is in fact anything but definitely established (P. 110 *supra*; Diodor. p. 590, 62, *fr. Vat.* p. 130, *Dind.*), formed a constituent element of the original federal equality of rights, it was, at any rate, no longer conceded to the Latin colonies of more recent origin.

subject communities. The Latins were thus made to feel that Rome, after having subjugated Italy mainly by their aid, had now no longer need of them as before. Nevertheless they continued to be the real buttresses of the Roman rule. These Latins, however, were by no means those with whom the battles of Lake Regillus and Trifanum had been fought. They were not those old members of the Alban league, who reckoned themselves originally equal to, if not better than, the community of Rome, and who felt the dominion of Rome to be an oppressive yoke, as the fearfully rigorous measures of security taken against Præneste at the beginning of the war with Pyrrhus, and the collisions that long continued to occur with the Prænestines in particular, show. The Latins of the later times of the republic, on the contrary, consisted almost exclusively of communities, which from the beginning had honoured Rome as their capital and parent city; which, settled amidst peoples of alien language and of alien habits, were attached to Rome by community of language, of law, and of manners; which, as the petty tyrants of the surrounding districts, were obliged to lean on Rome for their very existence, like advanced posts leaning upon the main army; and which, in fine, in consequence of the increasing material advantages of Roman citizenship, were ever deriving very considerable benefit from their equality of rights with the Romans, limited though it was. A portion of the Roman domains, for instance, was usually assigned to them for their separate use, and participation in the state leases was open to them as to the Roman burgess.

Passive burgesses.

The two other classes of Roman subjects, the subject Roman burgesses and the non-Latin allied communities, were in a far inferior position. The communities having the Roman franchise without the privilege of electing or being elected (*civitas sine suffragio*), approached nearer in form to the full Roman burgesses than the Latin communities that were legally autonomous. Their members were, as Roman burgesses, liable to all the burdens of citizenship, especially to the levy and taxation, and were subject to the Roman *census*, while, as their very designation indicates, they had no claim to its honorary rights. They lived under Roman laws, and had justice administered by Roman judges; but the hardship was lessened by the fact that their former common law was, after undergoing revision in Rome, restored to them as Roman local law, and a "deputy"

(*præfectus*) annually nominated by the Roman prætor * was sent to them to conduct its administration. In other respects these communities retained their own administration, and chose for that purpose their own chief magistrates. This relation, which was first instituted in 403 for Cære (P. 345), and subsequently was applied to Capua (P. 369) and a number of other communities more remote from Rome, was probably in reality the most oppressive among the different forms of subjection. Lastly, the relations of the non-Latin allied communities were subject, as a matter of course, to the most various rules, just as each particular treaty of alliance had defined them. Many of these perpetual treaties of alliance, such as that with the Hernican communities (P. 386), and those with Neapolis (P. 374), Nola (P. 379), and Heraclea (P. 418), granted rights comparatively comprehensive, while others, such as the Tarentine and Samnite treaties, probably approximated to despotism. 351. Non-Latin allied communities.

As a general rule, it may be taken for granted that not only the Latin and Hernican national confederations (as to which the fact is expressly stated), but all such confederations subsisting in Italy, and the Samnite and Lucanian leagues in particular, were legally dissolved or at any rate reduced to insignificance, and that in general no Italian community was allowed the right of intercourse or intermarriage, or even the right of joint consultation and resolution, with any other. Further, provision must have been made, under different forms, for placing the military and financial resources of all the Italian communities at the disposal of the leading community. Although the burgess militia on the one hand, and the contingents of the "Latin name" on the other, were still alone regarded as the main and integral constituents of the Roman army, and in that way its national character was on the whole preserved, the Roman *cives sine suffragio* were called forth to join its ranks, and not only so, but beyond doubt the non-Latin allied communities also were either bound to furnish ships of war, as was the case with the Greek cities, or were placed on the roll of contingent-furnishing Italians (*formulâ togatorum*), Dissolution of national leagues. Furnishing of contingents.

* In my *Corpus Inscr. Lat.* I. p. 47, I have shown that these præfects were, down to the seventh century, nominated by the prætors, and not by the burgesses, and that, if Livy (ix. 20) in using the word *creari* has meant it to refer to popular election, he has erroneously transferred the arrangement adopted in the last period of the republic to an earlier epoch.

as must have been decreed at once or gradually in the case of the Apulians, Sabellians, and Etruscans. In general this contingent, like that of the Latin communities, appears to have had its numbers definitely fixed, although, in case of necessity, the leading community was not precluded from making a larger requisition. This at the same time involved an indirect taxation, as every community was bound itself to equip and to pay its own contingent. Accordingly it was not without design that the supply of the most costly requisites for war devolved chiefly on the Latin, or non-Latin allied, communities; that the war marine was for the most part kept up by the Greek cities; and that in the cavalry service the allies, at least subsequently, were called upon to furnish a proportion thrice as numerous as the Roman burgesses, while in the infantry the old principle, that the contingent of the allies should not be more numerous than the burgess army, still remained in force for a long time, at least as the rule.

System of government.

The system, on which this fabric was constructed and kept together, can no longer be ascertained in detail from the few notices that have reached us. Even the numerical proportions of the three classes, relatively to each other and to the full burgesses, can no longer be determined even approximately;* and in like manner the geographical distribution of

* It is to be regretted that we are unable to give satisfactory information as to the proportional numbers. We may estimate the number of Roman burgesses capable of bearing arms in the later regal period as about 20,000 (P. 102). Now from the fall of Alba to the conquest of Veii the immediate territory of Rome received no material extension; in perfect accordance with
495. which we find that from the first institution of the twenty-one tribes in 259 (P. 282), which involved little or no extension of the Roman bounds, there
387. were no new tribes instituted till 367. However abundant allowance we make for increase by the excess of births over deaths, by immigration, and by manumissions, it is absolutely impossible to reconcile with the narrow limits of a territory of hardly 650 square miles the traditional accounts of the census, according to which the number of Roman burgesses capable of bearing arms in the second half of the third century varied between 104,000 and 150,000,
392. and in 362, regarding which a special statement is extant, amounted to 152,573. These numbers are on a parallel with the 84,700 burgesses of the Servian census; and in general the whole older lists of the census, carried back to the four *lustra* of Servius Tullius and furnished with copious numbers, belong to the class of apparently documentary traditions, which delight in, and betray themselves by the very fact of, such numerical details.

It was only with the second half of the fourth century that the large extensions of territory on the one hand, and the incorporation of whole communities with Rome on the other (P. 356), which must have suddenly and considerably augmented the burgess roll, began. It is reported on reliable authority

the several categories over Italy is but imperfectly known. The leading ideas on which the structure was based are, on the other hand, so obvious, that it is scarcely necessary specially to set them forth. First of all, as we have already said, the immediate circle of the ruling community was extended as far as was possible without completely decentralizing the Roman community, which was, and was intended to remain, urban. When the system of incorporation was extended up to, and perhaps even beyond, its natural limits, the communities that were subsequently annexed had to submit to a position of subjection; for a pure hegemony as a permanent relation was intrinsically impossible. Thus not through any arbitrary monopolizing of sovereignty, but through the inevitable force of circumstances, a class of subjects took its place by the side of the class of ruling burgesses. Among the expedients of Roman rule the most important were, the subdivision of the governed by the breaking up of the Italian confederacies and by the institution of as large a number as possible of comparatively small communities, and the graduating the pressure of that rule according to the different categories of subjects. As Cato in the government of his household took care that the slaves should not be on too good terms with one another, and designedly fostered variances and factions among them, so the Roman community acted on a great scale. The expedient was not generous, but it was effectual.

Partition and classification of the subjects.

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and is intrinsically credible, that about 416 the Roman burgesses numbered 165,000; which very well agrees with the statement that ten years previously, when the whole militia was called out against Latium and the Gauls, the first levy amounted to ten legions, that is, to 50,000 men. Subsequently to the great extensions of territory in Etruria, Latium, and Campania, in the fifth century, the effective burgesses numbered, on an average, 250,000; immediately before the first Punic war, 280,000 to 290,000. These numbers are certain enough, but they are of little service historically for another reason: namely, that in them, beyond doubt, the Roman full burgesses and the burgesses without vote, such as the Cærites and Campanians, are mixed up together, while practically the latter must be reckoned decidedly as subjects, and Rome could count with much more certainty on the contingents of the Latins not included in these numbers than on the Campanian legions. If the statement in Livy (xxiii. 5) that 30,000 infantry and 4,000 horse could be raised from Capua, was drawn, as hardly admits of doubt, from the Roman census rolls, we may (seeing that the Campanians probably formed the main body of the *cives sine suffragio* and are directly put as equivalent to them in Polyb. ii. 24, 14) estimate these passive burgesses at nearly 50,000 men capable of bearing arms; but this number is not sufficiently certain to form the basis of further calculations. 338.

Aristocratic remodelling of the constitutions of the Italian communities.

It was but a wider application of the same expedient, when in each dependent community the constitution was remodelled after the Roman pattern and there was installed a government of the wealthy and respectable families, which was naturally more or less keenly opposed to the multitude, and was induced by its material interests and by its wish for local power to lean on Roman support. The most remarkable instance of this sort is furnished by the treatment of Capua, which appears to have been from the first treated with suspicious precaution as the only Italian city that could come into possible rivalry with Rome. The Campanian nobility received the rights of a privileged order, separate places of assembly, and a peculiar position in all respects; indeed they even obtained not inconsiderable pensions—sixteen hundred of them at 450 *stateres* (about £29) annually—charged on the Campanian exchequer. It was these Campanian equites, whose refusal to take part in the great Latino-Campanian insur-
340. rection of 414 mainly contributed to its failure, and whose brave swords decided the day in favour of the Romans at
295. Sentinum in 459 (P. 390); whereas the Campanian infantry at Rhegium was the first body of troops that in the war with Pyrrhus revolted from Rome (P. 408). Another remarkable instance of the Roman practice of turning to account for their own interest the variances between the orders in the dependent communities by favouring the aristocracy, is fur-
265. nished by the treatment which Volsinii met with in 489. There, just as in Rome, the old and new burgesses must have stood opposed to one another, and the latter must have attained by legal means equality of political rights. In consequence of this the old burgesses of Volsinii resorted to the Roman senate with a request for the restoration of their old constitution—a step which the ruling party in the city naturally viewed as high treason, and inflicted legal punishment accordingly on the petitioners. The Roman senate, however, took part with the old burgesses, and, when the city showed no disposition to submit, not only destroyed by military violence the communal constitution of Volsinii which was in recognized operation, but also, by razing the old capital of Etruria, exhibited to the Italians a fearfully palpable proof of the despotism of Rome.

Moderation of the government.

But the Roman senate had the wisdom not to overlook the fact, that the only means of giving permanence to despotism is moderation on the part of the despots. On

that account the dependent communities either had the full Roman franchise substituted for their independence, or were left in possession of a species of autonomy, which included a shadow of independence, a special share in the military and political successes of Rome, and above all a free communal constitution: so far as the Italian confederacy extended, there existed no community of Helots. On that account, too, Rome from the very first, with a clear-sightedness and magnanimity perhaps unparalleled in history, waived the most dangerous of all the rights of government, the right of taxing her subjects. At most, tribute was perhaps imposed on the dependent Celtic cantons: so far as the Italian confederacy extended, there was no tributary community. On that account, lastly, while the duty of bearing arms was partially devolved on the subjects, the ruling burgesses were by no means exempt from it; it is probable that the latter were proportionally far more numerous than the body of the allies, and in that body, again, probably the Latins as a whole were liable to far greater demands upon them than the passive burgesses or at least the non-Latin allied communities. There was thus a certain reasonableness in the appropriation by which Rome ranked first, and the Latins next to her, in the distribution of the spoil acquired in war.

Intermediate functionaries.

The central administration at Rome solved the difficult problem of preserving its supervision and control over the mass of the Italian communities liable to furnish contingents, partly by means of the four Italian quæstors, partly by the extension of the Roman censorship over the whole of the dependent communities. The quæstors of the fleet (P. 429) had, along with their more immediate duty, to raise the revenues from the newly acquired domains, and to control the contingents of the new allies; they were the first Roman functionaries to whom a residence and district out of Rome were assigned by law, and they formed the necessary intermediate authority between the Roman senate and the Italian communities. Moreover, as is shown by the later municipal constitution, the chief functionaries in every Italian community,* whatever might be their title, had to undertake a valuation every fourth or fifth year; an

Valuation of the empire.

* Not merely in every Latin one; for the censorship, or so-called Quinquennalitas occurs, as is well known, also among communities whose constitution was not formed according to the Latin scheme.

institution, the suggestion of which must necessarily have emanated from Rome, and which can only have been intended to furnish the senate with a view of the resources in men and money of the whole of Italy, corresponding to the census in Rome.

Italy and the Italians.

Lastly, with this military-administrative union of the whole peoples dwelling to the south of the Apennines, as far as the Iapygian promontory and the straits of Rhegium, was connected the rise of a new name common to them all—that of "the men of the toga" (*togati*), which was their oldest designation in Roman state law, or that of the "Italians," which was the appellation for them originally in use among the Greeks and thence came to be universally current. The various nations inhabiting those lands were probably first led to feel and own their unity, partly through their common contrast to the Greeks, partly and mainly through their common resistance to the Celts; for, although an Italian community may now and then have made common cause with the Celts against Rome and employed the opportunity to recover independence, yet in the long run sound national feeling necessarily prevailed. As the Gallic territory down to a late period stood legally contrasted with the Italian, so the "men of the toga" were thus named in contrast to the Celtic "men of the hose" (*braccati*); and it is probable that the repelling of the Celtic invasions played an important part as a diplomatic reason or pretext for centralizing the military resources of Italy in the hands of the Romans. When the Romans on the one hand took the lead in the great national struggle and on the other hand compelled the Etruscans, Latins, Sabellians, Apulians, and Hellenes (within the bounds to be immediately described) alike to fight under their standards, that unity, which hitherto had been undefined and latent rather than expressed, obtained firm consolidation and recognition in state law; and the name *Italia*, which originally and even in the Greek authors of the fifth century, in Aristotle for instance, pertained only to the modern Calabria, was transferred to the whole land of these wearers of the toga.

Earliest boundaries of the Italian confederacy.

The earliest boundaries of this great armed confederacy led by Rome, or of the new Italy, reached on the western coast as far as the district of Leghorn south of the Arnus,* on the east as far as the Æsis north of

* This earliest boundary is probably indicated by the two small places *Ad Fines*, of which one lay north of Arezzo on the road to Florence, the second

Ancona. The places colonized by Italians, that lay beyond these limits, such as Sena Gallica and Ariminum beyond the Apennines, and Messana in Sicily, were reckoned geographically as situated beyond Italy (even when, like Ariminum, they were members of the confederacy or, like Sena, were Roman burgess communities). Still less could the Celtic cantons beyond the Apennines be reckoned among the *togati*, although perhaps some of them were already among the clients of Rome. The new Italy had thus become a political unity; it was also in the course of becoming a national unity. Already the ruling Latin nationality had assimilated to itself the Sabines and Volscians, and scattered isolated Latin communities over all Italy; these germs were merely developed, when subsequently the Latin language became the mother-tongue of every one entitled to wear the Latin toga. That the Romans already clearly recognized this as their aim, is shown by the familiar extension of the Latin name to the whole body of contingent-furnishing Italian allies.* Whatever can still be recognized of this grand political structure testifies to the great political sagacity of its nameless architects; and the singular cohesion, which that confederation composed of so many and so diversified ingredients subsequently exhibited under the severest shocks, stamped their great work with the seal of success. From the time when the threads of this net, drawn as skilfully as firmly around all Italy, were concentrated in the hands of the Roman community, it became a great power, and took its place in the system of the Mediterranean states in the room of Tarentum, Lucania, and other inter-

First steps towards the Latinizing of Italy.

New position of Rome as a great power.

on the coast not far from Leghorn. Somewhat further to the south of the latter, the brook and valley of Vada are still called *Fiume Della Fine, Valle Delle Fine* (Targioni Tozzetti *Viaggj*. iv. 430).

* In strict official language, indeed, this was not the case. The fullest designation of the Italians occurs in the agrarian law of 643, line 21:—[*ceivis*] *Romanus sociumve nominisve Latini, quibus ex formula togatorum* [*milites in terra Italia imperare solent*]; in like manner at the 29th line of the same the *peregrinus* is distinguished from the *Latinus*, and it is said in the decree of the senate as to the Bacchanalia in 568,: *ne quis ceivis Romanus neve nominis Latini neve socium quisquam*. But in common use very frequently the second or third of these three subdivisions is omitted, and along with the Romans sometimes only those *Latini nominis* are mentioned, sometimes only the *socii* (Weissenborn on Liv. xxii. 50, 6), while there is no difference in the meaning. The designation *homines nominis Latini ac socii Italici* (Sallust. *Jug.* 40), correct as it is in itself, is foreign to the official *usus loquendi*, which employs *Italia*, but not *Italici*.

111.

186.

mediate and minor states erased by the last wars from the list of political powers. Rome received, as it were, an official recognition of its new position by means of the two
273. solemn embassies, which in 481 were sent from Alexandria to Rome and from Rome to Alexandria, and which, though primarily they regulated only commercial relations, beyond doubt prepared the way for a political alliance. As Carthage was contending with the Egyptian government regarding Cyrene, and was soon to contend with that of Rome regarding Sicily, so Macedonia was contending with the former for the predominating influence in Greece, with the latter primarily for the sovereignty of the Adriatic coast. The new struggles, which were preparing on all sides, could not but cross each other's course, and Rome, as mistress of Italy, could not fail to be drawn into the wide arena which the victories and projects of Alexander the Great had marked out as the field of conflict to his successors.

NOTE ON THE TREATIES BETWEEN ROME AND CARTHAGE.

The earliest treaty between Rome and Carthage, given by Polybius, is stated by him to have been concluded *κατὰ Λεύκιον Ἰούνιον Βροῦτον καὶ Μάρκον Ὡράτιον.** In the former editions of this work I endeavoured to defend this date as documentary. I have now to confess myself mistaken. Painful as it is to witness the disappearance of the last star which seemed to light the anxious pilot in navigating the dark seas of early history, an unprejudiced consideration shows that the Polybian date is not documentary and is probably erroneous.

Respecting the treaties between Rome and Carthage, we have, in addition to that of Polybius, the following statements.

406 U.C.—Diodorus,† undoubtedly on the authority of Fabius: *Ἐπὶ δὲ τούτων* (under the consuls of this year) *Ῥωμαίοις μὲν πρὸς Καρχηδονίους πρῶτον συνθῆκαι ἐγένοντο.* Livy :‡—*Cum Carthaginiensibus legatis fœdus ictum, cum amicitiam ac societatem petentes venissent.*

448 U.C.—Livy :§—*Cum Carthaginiensibus eodem anno fœdus tertio renovatum legatisque eorum, qui ad id venerant, comiter munera missa.*

475 U.C.—Livy :‖—*Cum Carthaginiensibus quarto fœdus renovatum est.* This treaty is indisputably the third of Polybius.

The inconsistency between Polybius on the one hand and Fabius on the other is manifest. The former too says expressly, that even in his time the oldest men, and those most cognisant of public matters in Rome and in Carthage, were unacquainted with these documents,¶ and as on that account he excuses

* Polyb. iii. 22.
† xvi. 69.
‡ vii. 27; and thence Orosius, iii. 7: *primum illud ictum cum Carthaginiensibus fœdus.*
§ ix. 43.
‖ *Ep.* 13.
¶ iii. 26, 2: *ταῦτα—καθ' ἡμᾶς ἔτι καὶ Ῥωμαίων καὶ Καρχηδονίων οἱ πρεσβύτατοι καὶ μάλιστα δοκοῦντες περὶ τὰ κοινὰ σπουδάζειν ἠγνόουν.*

Philinus for having remained ignorant of them, he must have held a similar view regarding the expression of Fabius, that the treaty of 406 was the first treaty between Rome and Carthage. On the other hand Polybius by no means says what he has often been made to say, that he had himself discovered the documents and that no one had made use of them before him. On the contrary, it is probable that they came to light on occasion of the endless diplomatic negotiations which preceded the third Punic war, and that it then became apparent that they were unknown to the leading statesmen in the Roman and Carthaginian senates. Perhaps they were brought to light by Cato, who had sufficient inducement to search for them in the Roman archives, and who, before he charged the Carthaginians with having six times before 536 broken their compacts with Rome,* must have taken some trouble to ascertain the contents of the earlier treaties. Polybius either gained his knowledge of them from the oral communications of Cato or of some third person, or (an admissible enough hypothesis) derived them from Cato's historical work. Livy follows, as he so often does, different authorities—as to 406 Fabius, as to 448 and 475 an authority agreeing with Polybius.†

The position of the testimony therefore is this: the one party reckons the treaties of 245, 448, 475, as first, third, and fourth; the other reckons that of 406 as the first, and therefore, beyond doubt, those of 448 and 475 as the second and third. In the first place, the latter view is supported by the fact that it has the older authorities in its favour. In the second place, it is evident that there were in the Roman archives in Cato's time only two treaties with Carthage, which preceded that of 475; which would suit very well if that were the third, but not if it were the fourth, treaty, especially as the missing treaty must have been not the first, but either the second or the third, of the four. In the third place, it would be very delightful to meet with a document dating from the legendary period; but on that very account such an occurrence is far from probable.

While all these considerations tell in favour of the earlier and evidently less complicated tradition, in reality neither on internal nor external grounds can the Polybian date be vindicated. The document does not bear internal traces of so great an antiquity; if it lay before us without date, we should simply infer from it that it must be earlier than 416. That in the seventh century treaties of alliance, at least if the senate concluded them, had the date officially attached to them, is no doubt evident from the treaty with the community of Astypalæa (*Corp. Inscr. Græc.* 2485), and that relating to Asclepiades the Clazomenian and others (*C. I. Gr.* 5879); but the age of this custom is not incontestably established, and the only inference it warrants is, that the first treaty with Carthage might, not that it must, have been dated. Polybius himself by no means refers his statement of the year to this source which would dispel all doubt, and moreover specifies the time of the second and

* Cato, *Orig.* l. iv. *ap.* Nonium, *v. duodevicesimo* p. 106, M.: *Deinde duodevicesimo* (rather *duoetvicesimo*) *anno post dimissum bellum, quod quattuor et viginti annos fuit, Carthaginiensis sextum de fœdere decernere* (rather *decessere*). The fifth breach of the peace was probably constituted in his view by the occurrences which led to the cession of Sardinia in 517, the fourth by the declaration of war in 490, the third by the attempt on Tarentum in 482. The first two I know no means of determining. In reference to the number and order of the treaties—to throw light on which the passage has often been employed—nothing is deducible from it.

† The proposal to harmonize the statements of Livy by counting the diplomatic congratulations of the Carthaginians in 411 (Liv. vii. 43) as a second treaty, simply substitutes one piece of negligence for another, because Livy ought to have said this, had he meant it. It is, moreover, highly improper, when an inconsistency between Fabius and Polybius is established, to explain away the traces of the same inconsistency in Livy.

third treaties in so general and reserved a manner, that in these cases at least he cannot possibly have found a specification of the year. The circumstance (to which I was formerly disposed to attach some weight) that the second treaty of Polybius seemed not to suit the year 448 well, because Tyre after the time of Alexander the Great can hardly have had the independent right of stipulating with a foreign power, was of some importance, so long as the choice between 406 and 448 seemed open: but the constitutional relations subsisting between the Greek and Phœnician mercantile cities and the crown of Asia, as well as those between Tyre and Carthage, are far from being ascertained to such an extent that on that ground we should refuse to believe other important testimonies. The only grounds that remain are, the impossibility of discovering the source of the mistake, and the weight of the authority of Polybius. But desirable as it is, with a view to complete conviction, to point out not only the error, but also the truth from which every error proceeds, we cannot possibly be required, in the case of such a specification of time presenting itself so wholly apart from its original connection, to hold it as true until we have shown in what way the author came by the erroneous number. Lastly, the authority of Polybius is undoubtedly, in his own field of investigation, one of the highest furnished to us by antiquity; but in this case his account refers to an epoch, which he did not seek independently to investigate, and as to which he took his facts in good faith from some Roman work. He specifies the year of the foundation of the city, and the duration of the reigns of the kings; but we do not regard fables as converted into history because he has placed them on record. Historical criticism must therefore place the first treaty between Rome and Carthage in 406, and the two following, accordingly, in 448 and 475. It follows that no proof can be drawn from the statement of Polybius in favour of the historical character of the pair of consuls marking the year at the head of our list; while conversely, after their unhistorical character has been otherwise demonstrated, the Polybian date necessarily falls with them.

CHAPTER VIII.

LAW. RELIGION. MILITARY SYSTEM. ECONOMIC CONDITION. NATIONALITY.

In the development of law during this period within the Roman commonwealth, probably the most important material innovation was that peculiar control which the community itself, and, in a subordinate degree, its office-bearers, began to exercise over the manners and habits of the individual citizens. The germ of it is to be sought not so much in the religious anathemas which had served in the earliest times as a sort of substitute for police (P. 184), as in the right of the magistrates to inflict property-fines (*multæ*) for offences against order (P. 159). In the case of all fines of more than two sheep and thirty oxen or, after cattle-fines had been by the decree of the people in 324 commuted into money, of more than 3020 libral asses (£30), the decision soon after the expulsion of the kings passed by way of appeal into the hands of the community (P. 259); and thus procedure by fine acquired an importance which it was far from originally possessing. Under the vague category of offences against order men might include any accusations they pleased, and by the higher rates in the scale of property fines they might accomplish whatever they desired. The dangerous character of such arbitrary procedure was brought to light rather than obviated by the mitigating proviso, that such property-fines, where they were not fixed by law at a definite sum, should not exceed half the estate of the person fined. To this class belonged the police laws, which from the earliest times were especially abundant in the Roman commonwealth. Such were those enactments of the Twelve Tables, which prohibited the anointing of a

Development of law. Police.

430.

dead body by hired slaves, the dressing it out with more than one cushion or more than three purple-edged coverings, the decorating it with gold or gaudy chaplets, the use of dressed wood for the funeral pile, and the perfuming or sprinkling of the pyre with frankincense or myrrh wine; which limited the number of *tibicines* in the funeral procession to ten at most; and which forbade the presence of wailing women at funeral banquets—in a certain sense the earliest Roman legislation against luxury. Such also were the laws (originating in the conflicts of the orders) directed against immoderate use of the common pasture and a disproportionate appropriation of the occupiable domain-land, as well as those directed against usury. But far more fraught with danger than these and similar police laws, which at least explicitly set forth the offence and often prescribed also its precise punishment, was the general prerogative of every magistrate who exercised jurisdiction to inflict a fine for an offence against order, and, if the fine reached the amount necessary to found an appeal and the person fined did not submit to the penalty, to bring the case before the community. Already in the course of the fifth century quasi criminal proceedings had been in this way instituted against immorality of life both in men and women, against the forestalling of grain, witchcraft, and similar practices. Closely akin to this was the quasi-jurisdiction of the censors, which likewise sprung up at this period. They were invested with authority to adjust the Roman budget and the burgess-roll, and they availed themselves of it, partly to impose of their own accord taxes on luxury which differed only in form from the penalties with which it was visited, partly to abridge or withdraw the political privileges of the burgess who was reported to them as having done any infamous action. The extent to which this surveillance was already carried is shown by the fact that penalties of this nature were inflicted for the negligent cultivation of one's own land, and that a man like Publius Cornelius
290. 277. Rufinus (consul in 464, 477) was struck off the list of
275. senators by the censors of 479, because he possessed silver plate to the value of 3360 sesterces (£34 10*s.*). No doubt, according to the rule generally applicable to the edicts of magistrates (P. 268), the sentences of the censors had legal force only during their censorship, that is on an average for the next five years, and might be renewed or not

renewed by the next censors at pleasure. Nevertheless this censorial prerogative was of so immense importance, that in virtue of it the censorship, originally one of the least of the Roman public magistracies, became in rank and consideration the first of all (P. 300, 320). The government of the senate rested mainly on this twofold police control, supreme and subordinate, vested in the community and its officials, and furnished with powers as extensive as they were arbitrary. Like every such arbitrary government, it was productive of much good and much evil, and we do not mean to combat the view of those who hold that the evil preponderated. But we must not forget that (owing to the morality, external no doubt but stern and energetic, and the strongly developed public spirit, that were the genuine characteristics of this period) these institutions remained exempt as yet from any really vulgar abuse; and if they were the chief instruments in repressing individual freedom, they were also the means by which the public spirit and the good old manners and order of the Roman community were with might and main upheld.

Modifications in the laws.

Along with these changes a humanizing and modernizing tendency showed itself slowly but yet clearly enough in the development of Roman law. Most of the enactments of the Twelve Tables, which coincide with the laws of Solon and therefore may with reason be considered as in substance innovations, bear this character: such as the securing the right of free association and the autonomy of the *sodalicia* that originated under it; the enactment that forbade the ploughing up of boundary-balks; and the mitigation of the punishment of theft, so that a thief not caught in the act might henceforth release himself from the plaintiff's suit by payment of double compensation. The law of debt was modified in a similar sense, but not till a century afterwards, by the Pœtelian law (P. 311). The right freely to dispose of property, which even according to the earliest Roman law was accorded to the owner in his lifetime but in the case of death had hitherto been conditional on the consent of the community, was liberated from this restriction, inasmuch as the law of the Twelve Tables, or its interpretation, assigned to private testaments the same force as pertained to those confirmed in the curies. This was an important step towards the breaking up of the clanships, and towards the full carrying out of individual liberty in the disposal of property. The

fearfully absolute paternal power was restricted by the enactment, that a son thrice sold by his father should not relapse into his power, but should thenceforth be free; which (by a legal inference that, strictly viewed, was inconsistent with the spirit of the Roman law) was soon construed to imply that a father might voluntarily divest himself of dominion over his son by emancipation. In the law of marriage civil marriage was permitted (P. 92); and although the full marital power was associated as necessarily with a true civil as with a true religious marriage, yet the permission of a connection formed without that power as a substitute for marriage (P. 60, *note*) constituted a first step towards relaxation of the full power of the *maritus*. The first step towards a legal enforcement of married life was the tax on old bachelors (*uxorium*), with the introduction of which Camillus began his public career as censor in 351.

403. Administration of justice. Code of common law.

Changes more comprehensive than those effected in the law itself were introduced into (what was more important in a political point of view, and more easily admitted of alteration) the system of judicial administration. First of all came the important limitation of the supreme judicial power by the embodiment of the common law in a written code, and the obligation of the magistrate thenceforth to decide no longer according to varying usage, but according to the written letter, in civil as well as in criminal procedure (303, 304). The appointment of a supreme magistrate in Rome exclusively for the administration of justice in 387 (P. 306), and the establishment of separate police functionaries which took place contemporaneously in Rome, and was imitated under Roman influence in all the Latin communities (P. 306), secured greater speed and precision of justice. These police-magistrates or ædiles had, of course, a certain jurisdiction at the same time assigned to them. On the one hand, they were the ordinary civil judges as to sales concluded in open market, for the cattle and slave markets in particular; and on the other hand, they ordinarily acted in processes of fines and amercements as judges of first instance, or (which was in Roman law the same thing) as public prosecutors. In consequence of this, the administration of the laws imposing fines, and in general the equally indefinite and (politically) important right of fining, were vested mainly in them. Similar but subordinate

451. 450. 367. New judicial functionaries.

functions, having especial reference to the poorer classes, pertained to the three *viri nocturni* or *capitales*, whose jurisdiction was enlarged in 465 by decree of the burgesses, and whose nomination was at the same time transferred to the community. Lastly from the increasing extent of the Roman community it became necessary, partly for the judges' sake, partly for the sake of those subject to their jurisdiction, to station in the more remote townships special judges of their own, competent to deal at least with minor civil causes. This arrangement was applied regularly throughout the communities of burgesses *sine suffragio* (P. 434), and was perhaps even extended to the more remote communities of full burgesses,*—the first germs of a Romano-municipal jurisdiction developing itself by the side of that which was strictly Roman. 289.

Changes in procedure.

In civil procedure (which, however, according to the ideas of that period included most of the crimes committed against fellow-citizens) the division of a process into the settlement of the question of law before the magistrate (*jus*), and the decision of the question of fact by a private person nominated by the magistrate (*judicium*)—a division formerly sanctioned by custom—was on the abolition of the monarchy prescribed by law (P. 259); and to that separation the private law of Rome was indebted for its logical clearness and practical precision.† In actions regarding property, the

* This inference is suggested by what Livy says (ix. 20) as to the reorganization of the colony of Antium twenty years after it was founded; and it is self-evident that, while the Romans might very well impose on the inhabitant of Ostia the duty of settling all his law-suits in Rome, the same course could not be pursued with townships like Antium and Sena.

† People are in the habit of praising the Romans as a nation specially privileged in respect to jurisprudence, and of gazing with wonder on their admirable law as a mystical gift of heaven; not improbably by way of excuse for the worthlessness of their own legal system. A glance at the singularly varying and undeveloped criminal law of the Romans might show the untenableness of ideas so confused even to those, who may think the assertion—that a sound people have a sound law, and a morbid people an unsound—too simple. Apart from those more general political conditions on which jurisprudence also, and indeed jurisprudence especially, depends, the causes of the excellence of the Roman civil law lie mainly in two features; first, that the plaintiff and defendant were specially obliged to explain and embody in due and binding form the grounds of the demand and of the objection to comply with it; and secondly, that the Romans appointed a permanent office for the legislative improvement of their system, and associated it immediately with practice. By the former the Romans precluded the pettifogging practices of advocates, by the latter they obviated incapable legislation, so far as such things can be pre-

decision as to what constituted possession, which hitherto had been left to the arbitrary caprice of the magistrate, was subjected gradually to legal rules; and, besides the right of property, a right of possession was established,—another step by which the magisterial authority lost an important part of its powers. In criminal processes, the tribunal of the people, which hitherto had exercised the prerogative of mercy, became a court of legally secured appeal. If the accused was condemned by a magistrate and appealed to the people, the cause was discussed in three public assemblies, the magistrate who had given judgment defending his sentence and so in reality appearing as public prosecutor; it was not till the fourth diet that the question as to the verdict (*anquisitio*) was put, when the people confirmed or reversed the sentence. No modification was allowed. A similar republican spirit breathed in the principles, that his house protected the burgess and that arrest could only take place out of doors; that imprisonment during investigation was to be avoided; and that every accused and not yet condemned burgess might be allowed, by surrendering his citizenship, to withdraw from the consequences of condemnation, so far as they affected not his property but his person—principles, which certainly were not embodied in legal form and accordingly did not legally bind the prosecuting magistrate, but yet were by their moral weight of the greatest influence, particularly in limiting capital punishment. But, if the Roman criminal law furnishes a remarkable testimony to the strong public spirit and to the increasing humanity of this epoch, it on the other hand suffered injury in its practical working particularly from the struggles between the orders, which in this respect were specially baneful. The co-ordinate primary jurisdiction of all the public magistrates in criminal cases, that arose out of these conflicts (P. 282), led to the result, that there no longer existed any fixed authority for preparing indictments, or any serious preliminary investigation, in Roman criminal procedure; and, as criminal jurisdiction in the last instance was exercised in the forms and by the organs of legislation and never forgot its origin from the prerogative of mercy, and as, moreover, the adjudication of

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vented at all; and by means of both in conjunction they satisfied, as far as is possible, the two conflicting requirements, that law shall constantly be fixed, and that it shall constantly be in accordance with the spirit of the age.

police fines had an injurious reaction on the criminal procedure which was externally very similar, the judges pronounced their decisions (and that not so much by way of abuse, as in some degree by virtue of the constitution) not according to fixed law, but according to their own arbitrary pleasure. In this way the Roman criminal procedure was completely void of principle, and was degraded into the sport and instrument of political parties; a result which can the less be excused, seeing that this procedure, while especially introduced for properly political crimes, was applicable also to others such as murder and arson. The evil was aggravated by the clumsiness of that procedure, which, in concert with the haughty republican contempt for non-burgesses, gave rise to a growing custom of tolerating, side by side with the more formal process, a summary criminal, or rather police, procedure against slaves and persons of inferior consideration. Here too the passionate strife regarding political processes overstepped natural limits, and introduced institutions which materially contributed to estrange the Romans step by step from the idea of a fixed moral order in the administration of justice.

Religion.

We are less able to trace the progress of the religious views of the Romans during this epoch. In general they adhered with simplicity to the simple piety of their ancestors, and kept equally aloof from superstition and from unbelief. How vividly the idea of spiritualizing all earthly objects, on which the Roman religion was based, still prevailed at the close of this epoch, is shown by the new god "of silver" (*Argentinus*), who probably first originated in consequence of the introduction of the silver currency in 485, and who naturally was the son of the older god "of copper" (*Æseulanus*).

New gods.

269.

Their relations to foreign lands were the same as heretofore; but here and there Hellenic influences in particular were increasing. It was not till now that temples began to rise in Rome itself in honour of the Hellenic gods. The oldest was the temple of Castor and Pollux, which had been vowed in the battle of Lake Regillus (P. 349), and was consecrated on 15th July 269. The legend associated with it, that two youths of superhuman size and beauty had been seen fighting on the battle-field in the ranks of the Romans and immediately after the battle watering their foaming steeds in the Roman Forum at the fountain of Iuturna, and

485.

announcing the great victory, presents a thoroughly un-Roman stamp, and was beyond doubt at a very early period modelled on the appearance of the Dioscuri—similar down to its very details—in the famous battle fought about a century before, between the Crotoniates and Locrians, at the river Sagras. The Delphic Apollo too was not only consulted (as was usual with all peoples that felt the influence of Grecian culture) and presented after special successes,
394. such as the capture of Veii, with a tenth of the spoil (360),
431. but also had a temple built for him in the city (323, re-
353. newed 401). The same honour was towards the close of this
295. period accorded to Aphrodite (459), who was in some enigmatical way identified with the old Roman garden goddess, Venus;* and to Asklapios or Æsculapius, who was obtained by special request from Epidaurus in the Peloponnesus,
291. and solemnly conducted to Rome (463). Isolated complaints were heard in serious emergencies as to the intrusion of foreign superstition, probably the art of the Etruscan
428. *haruspices* (*e.g.* in 326); but in such cases the police did not fail to take proper cognisance of the matter.

In Etruria again, while the nation stagnated and decayed in political helplessness and indolent opulence, a theological monopoly in the hands of the nobility, stupid fatalism, wild and meaningless mysticism, the arts of soothsaying and of mendicant priestcraft gradually developed themselves, till they reached the height at which we afterwards find them.

Sacerdotal system. In the sacerdotal system no comprehensive changes, so far as we know, took place. The more stringent enactments
289. that were made about 465 regarding the tax on actions at law destined to defray the cost of public worship, point to an increase in the religious expenses of the state—a necessary result of the increase in the number of its gods and its temples. It has already been mentioned as one of the evil effects of the dissensions between the orders, that a greater influence began to be conceded to the colleges of men of lore, and that they were employed for the annulling of political acts (P. 302)—a course by which on the one hand the faith of the people was shaken, and on the other the priests were permitted to exercise a very injurious influence on public affairs.

* Venus probably first appears in the later sense, as synonymous with Aphrodite, on occasion of the dedication of the temple consecrated in this year (Liv. x. 31; Becker, *Topographie*, p. 472).

A complete revolution occurred during this epoch in the military system. The primitive Græco-Italian military organization, which was probably based, like the Homeric, on the selection of the most distinguished and effective warriors (who as a rule fought on horseback) to form a special vanguard, had in the later regal period been superseded by the old Dorian phalanx of hoplites, probably eight file deep (P. 98). This phalanx thenceforth undertook the chief burden of the battle, while the cavalry were stationed on the flanks, and, mounted or dismounted according to circumstances, were chiefly employed as a reserve. From this arrangement there were developed nearly at the same time the phalanx of *sarissæ* in Macedonia and the manipular legion in Italy, the former formed by the closing and deepening, the latter by the breaking up and multiplying, of the ranks. The old Doric phalanx had been wholly adapted to close combat with the sword and especially with the spear, and only an accessory and subordinate position in the order of battle was assigned to missile weapons. In the manipular legion the thrusting-lance was confined to the third division, and instead of it the two first were furnished with a new and peculiar Italian missile weapon, the *pilum*—a square or round piece of wood, four and a half feet long, with a triangular or quadrangular iron point—which had been originally perhaps invented for the defence of the ramparts of the camp, but was soon transferred from the rear to the front ranks, and was hurled by the advancing line into the ranks of the enemy at a distance of from ten to twenty paces. At the same time the sword acquired far greater importance than the short knife of the phalangite could ever have had; for the volley of javelins was principally intended to prepare the way for an attack sword in hand. While, moreover, the phalanx had, like a single mighty lance, to be hurled at once upon the enemy, in the new Italian legions the smaller units, which existed in the phalanx system but were in battle array held together by an indissolubly firm bond, were again separated from each other. The close square was separated in the direction of its depth into three divisions, the *hastati*, *principes*, and *triarii*, each of a moderate depth, probably amounting in ordinary cases to only four files; and was broken up along the front into ten bands (*manipuli*), in such a way that between every two divisions and every two maniples there was left a marked

Military System.

Manipular legion.

interval. It was a mere continuation of the same process of individualizing, by which the collective mode of fighting was discouraged even in the diminished tactical unit, and the individual mode of fighting became prominent, as is evident from the (already mentioned) decisive part played by hand-to-hand encounters and combats with the sword. The system of entrenching camps assumed also a peculiar development. The place where the army encamped, even were it only for a single night, was invariably provided with a regular circumvallation, and as it were converted into a fortress. Little change took place on the other hand in the cavalry, which in the manipular legion retained the secondary place which it had occupied by the side of the phalanx. The system of officering the army also continued in the main unchanged; yet it was at this period probably that the rigid line of demarcation became established between the subaltern officers, who as common soldiers had to gain their place at the head of the maniples by the sword and passed by regular promotion from the lower to the higher maniples, and the military tribunes placed at the head of whole legions (six to each), in whose case there was no regular promotion, and who were usually taken from the better classes. In this respect it must have become a matter of importance that, while previously subalterns and officers of the staff had been uniformly nominated by the general, after 392 some of the latter posts were filled up through election by the burgesses (P. 317). Lastly, the old, fearfully strict, military discipline remained unaltered. Still, as formerly, the general was allowed to behead any man serving in his camp, and to scourge with rods the staff officer as well as the common soldier; nor were such punishments inflicted merely on account of common crimes, but also when an officer had allowed himself to deviate from the orders he had received, or when a division had allowed itself to be surprised or had fled from the field of battle. On the other hand, the new military organization necessitated a far more serious and prolonged military training than the previous phalanx system, in which the solidity of the mass kept even the inexperienced in their ranks. As, however, no special soldier-class sprang up, but, on the contrary, the army still remained, as before, a burgess army, this object was chiefly attained by abandoning the former mode of ranking the soldiers according to property (P. 96), and arranging them

Entrenchments.

Cavalry

Officers.

362.

Military discipline.

Training and classes of soldiers.

according to length of service. The Roman recruit now entered among the light-armed "skirmishers" (*rorarii*), who fought out of the line and especially with stone slings, and he advanced from this step by step to the first and then to the second division, till at length the soldiers of long service and experience were associated together in the corps of the *triarii*, which was numerically the weakest but imparted its tone and spirit to the whole army.

Military value of the manipular legion.

The excellence of this military organization, which became the primary cause of the superior political position of the Roman community, chiefly depended on the three great military principles of maintaining a reserve, of combining the close and distant modes of fighting, and of combining the offensive and the defensive. The system of a reserve was already foreshadowed in the earlier employment of the cavalry, but it was now completely developed by the partition of the army into three divisions and the reservation of the flower of the veterans for the last and decisive charge. While the Hellenic phalanx had developed the close, and the oriental squadrons of horse armed with bows and light missile spears the distant, modes of fighting respectively, the Roman combination of the heavy javelin with the sword produced results similar, as has justly been remarked, to those attained in modern warfare by the introduction of bayonet muskets; the volley of javelins prepared the way for the sword encounter, exactly in the same way as a volley of musketry now precedes a charge with the bayonet. Lastly, their thorough system of encampment allowed the Romans to combine the advantages of defensive and offensive war and to decline or give battle according to circumstances, and in the latter case to fight under the ramparts of their camp just as under the walls of a fortress; the Romans, according to a Roman proverb, conquered by sitting still.

Origin of the manipular legion.

That this new military organization was in the main a Roman, or at any rate Italian, remodelling and improvement of the old Hellenic tactics of the phalanx, is plain. If some germs of the system of reserve and of the individualizing of the smaller subdivisions of the army are found to occur among the later Greek strategists, especially Xenophon, this only shows that they felt the defectiveness of the old system, but were not well able to remedy it. The manipular legion appears fully developed in the war with Pyrrhus; when and

under what circumstances it arose, whether at once or gradually, can no longer be ascertained. The first tactical system which the Romans encountered, fundamentally different from the earlier Italo-Hellenic system, was the Celtic sword-phalanx. It is not impossible that the subdivision of the army and the intervals between the maniples in front were arranged with a view to resist, and did resist, its first and only dangerous charge; and it accords with this hypothesis that Marcus Furius Camillus, the most celebrated Roman general of the Gallic epoch, is presented in various detached notices as the reformer of the Roman military system. The further traditions associated with the Samnite and Pyrrhic wars are neither sufficiently accredited, nor can they be arranged in proper order;* although it is in itself probable that the prolonged Samnite mountain warfare had an influence on the individual development of the Roman soldier, and that the struggle with one of the first masters of the art of war, belonging to the school of the great Alexander, had some effect in improving the technical features of the Roman military system.

National economy. The farmers.

In the national economy agriculture was, and remained, the social and political basis both of the Roman community and of the new Italian state. The *comitia* and the army consisted of Roman farmers; what as soldiers they had acquired by the sword, they secured as colonists by the plough. The insolvency of the middle class of landholders gave rise to the formidable internal crises of the third and fourth centuries, amidst which it seemed as if the young republic could not but be destroyed. The revival of the Latin farmer-class which was produced during the fifth century

* According to Roman tradition the Romans originally carried square shields, after which they borrowed from the Etruscans the round hoplite shield (*clupeus*, *ἀσπίς*), and from the Samnites the later square shield (*scutum*, *θυρεός*), and the javelin (*veru*) (Diodor. *Vat. Ex.* p. 54; Sallust. *Cat.* li. 38; Virgil, *Æn.* vii. 665; Festus, *Ep. v. Samnites*, p. 327, *Müll.*; and the authorities cited in Marquardt, *Handb.* iii. 2, 241). But it may be regarded as certain that the hoplite shield, or in other words, the tactics of the Doric phalanx, were imitated not from the Etruscans, but directly from the Hellenes. As to the *scutum*, that large, cylindrical, convex leather shield must certainly have taken the place of the flat copper *clupeus*, when the phalanx was broken up into maniples; but the indisputable derivation of the word from the Greek casts suspicion on the derivation of the thing itself from the Samnites. From the Greeks the Romans derived also the sling (*funda* from *σφενδόνη*, like *fides* from *σφίδη*, P. 235). The pilum was considered by the ancients a thoroughly Roman invention.

partly by the large assignations of land and incorporations, partly by the fall in the rate of interest and the increase of the Roman population, was at once the effect and the cause of the mighty development of Roman power. The acute soldier's eye of Pyrrhus justly recognized the cause of the political and military ascendancy of the Romans in the flourishing condition of the Roman farms. But the rise also of husbandry on a large scale among the Romans appears to fall within this period. In earlier times indeed there already existed landed estates of at least comparatively large size; but their management was not farming on a large scale, it was simply a husbandry of numerous small parcels (P. 199). On the other hand the enactment in the law of 387, which is not inapplicable to the earlier mode of management but yet is far more appropriate to the later, viz. that the landholder should be bound to employ along with his slaves a proportional number of free persons (P. 304), may well be regarded as the oldest trace of the later centralized farming of estates;* and it deserves notice that even here at its first emergence it essentially rests on slave-holding. How it arose, must remain an undecided point; possibly the Carthaginian plantations in Sicily served as models to the oldest Roman landholders, and perhaps even the appearance of wheat in husbandry by the side of spelt, which Varro places about the period of the decemvirs, was connected with that altered style of management. Still less can we ascertain how far this method of husbandry had already during this period spread; only, the history of the wars with Hannibal leaves no doubt that it cannot yet have become the rule, nor can it have yet absorbed the Italian farmer class. But where it did come into vogue, it annihilated the older clientship based on the *precarium;* just as the modern system of large farms has been formed by the suppression of petty holdings and the conversion of hides into farm-fields. It admits of no doubt, that the encroachments on this agricultural *clientela* very materially contributed towards the distress of the class of small cultivators.

Farming of estates.

367.

Respecting the internal intercourse of the Italians with each other our written authorities are silent; coins alone furnish some information. We have already mentioned

Inland intercourse in Italy.

* Varro (*De R. R.*, i. 2. 9) evidently conceives the author of the Licinian agrarian law as farming in person his extensive lands; although the story may easily have been invented to explain the cognomen (*Stolo*).

(P. 208) that in Italy, with the exception of the Greek cities and of the Etruscan Populonia, there was no coinage during the first three centuries, and that cattle in the first instance, and subsequently copper by weight, served as the medium of exchange. Within the present epoch occurred the transition on the part of the Italians from the system of barter to that of money; and in their money they were naturally led in the first instance to Greek models. The circumstances of central Italy led however to the adoption of copper instead of silver as the metal for their coinage, and the unit of coinage was primarily based on the previous unit of value, the copper pound; hence they cast their coins instead of stamping them, for no die would have sufficed for pieces so large and heavy. There seems from the first to have been a fixed ratio for the relative value of copper and silver (250 : 1), and with reference to that ratio the copper coinage seems to have been issued; so that (*e. g.*) in Rome the large copper piece, the *as*, was equal in value to a scruple ($\frac{1}{250}$ of a pound) of silver. It is a circumstance historically more remarkable, that coining in Italy most probably originated in Rome, and in fact with the decemvirs, who found in the Solonian legislation a pattern for the regulation of their coinage; and that from Rome it spread over a number of Latin, Etruscan, Umbrian, and East Italian communities,—a clear proof of the superior position which Rome from the beginning of the fourth century held in Italy. As all these communities subsisted side by side in formal independence, the monetary standard for each was in law entirely local, and the territory of every city had its own monetary system. Nevertheless the standards of copper coinage in central and northern Italy may be comprehended in three groups, within which the coins in common intercourse seem to have been treated as identical. These groups are, first, the coins of the cities of Etruria lying north of the Ciminian forest and those of Umbria; secondly, the coins of Rome and Latium; and lastly, those of the eastern seaboard. We have already observed that the Roman coins held a certain ratio to silver by weight; on the other hand we find those of the east coast of Italy placed in a definite proportional relation to the silver coinage current from an early period in southern Italy. This standard was adopted by the Italian immigrants, such as the Bruttians, Lucanians, and Nolans; by the Latin colonies

in that quarter, such as Cales and Suessa; and even by the Romans themselves for their possessions in Lower Italy. Accordingly, the inland traffic of Italy must have been divided into corresponding provinces, which held intercourse one with another like foreign nations.

Transmarine commerce.

In transmarine commerce the relations we have previously described (P. 204 *et seq.*) between Sicily and Latium, Etruria and Attica, the Adriatic and Tarentum, continued to subsist during the epoch before us—or rather, strictly speaking, belonged to it; for although facts of this class, which as a rule are mentioned without a date, have been placed together for the purpose of presenting a general view in the first period, the statements referred to apply equally to the present. The clearest evidence in this respect is, of course, that of the coins. As the striking of Etruscan silver money after an Attic standard (P. 208), and the penetrating of Italian and especially of Latin copper into Sicily (P. 210) testify to the two former routes of traffic, so the equivalence, which we have just mentioned, of the silver money of Magna Græcia and the copper coin of Picenum and Apulia, forms, with numerous other indications, an evidence of the active traffic which the Greeks of Lower Italy, the Tarentines in particular, held with the east Italian seaboard. The commerce again, which was at an earlier period still more active, between the Latins and the Campanian Greeks, seems to have been disturbed by the Sabellian immigration, and to have been of no great moment during the first hundred and fifty years of the republic. The refusal of the Samnites in Capua and Cumæ to supply the Romans with grain in the famine of 343 may be regarded as an indication of the altered relations, which subsisted between Latium and Campania till at the commencement of the fifth century the Roman arms restored and gave increased impetus to the old intercourse.

Touching on details we may be allowed to mention, as one of the few dated facts in the history of Roman commerce, the notice drawn from the annals of Ardea, that in 454 the first barber came from Sicily to Ardea; and to dwell for a moment on the painted pottery which was sent chiefly from Attica, but also from Corcyra and Sicily, to Lucania, Campania, and Etruria, to serve there for the decoration of tombs—a traffic as to the circumstances of which we are accidentally better informed than as to any other article of

300.

transmarine commerce. The commencement of this import trade probably falls about the period of the expulsion of the Tarquins; for the vases of the oldest style, which are of very rare occurrence in Italy, were probably painted in the
500–450. second half of the third century, while those of the chaste
450–400. style, occurring in greater numbers, belong to the first half,
400–350. those of the most finished beauty to the second half, of the fourth century; and the immense quantities of other vases, often marked by showiness and size but seldom by excellence in workmanship, must be assigned as a whole to the
350–250. following century. It was from the Hellenes undoubtedly that the Italians derived this custom of embellishing tombs; but while the moderate means and fine taste of the Greeks confined the practice in their case within narrow limits, in Italy, with its barbaric opulence and barbaric extravagance, it was stretched far beyond its original and proper bounds. It is a significant circumstance, however, that in Italy this extravagance meets us only in the lands that had a Hellenic semi-culture. Any one who can read such records will perceive in the cemeteries of Etruria and Campania—the mines whence our museums have been replenished—a significant commentary on the accounts of the ancients as to the Etruscan and Campanian semi-culture, stifled amidst the insolence of wealth (P. 347, 364). The homely Samnite character on the other hand remained at all times a stranger to this preposterous luxury; the absence of Greek pottery exhibits, quite as palpably as the absence of a Samnite coinage, the slight development of commercial intercourse and of urban life in that region. It is still more worthy of remark that Latium also, although not less near to the Greeks than Etruria and Campania, and in closest intercourse with them, almost wholly refrained from such sepulchral decorations. It is more than probable that in this result we have to recognize the influence of the stern Roman morality, or—if the expression be preferred—of the rigid Roman police. Closely connected with this subject are the already-mentioned interdicts, which the law of the Twelve Tables fulminated against purple bier-cloths and gold ornaments lavished upon the dead: and the banishment of all silver plate, excepting the salt-cellar and sacrificial ladle, from the Roman household, so far at least as sumptuary laws and the terror of censorial censure could banish it: even in architecture we shall again encounter the same spirit of hostility to

luxury whether noble or ignoble. Although, however, in consequence of these influences Rome probably preserved a certain outward simplicity longer than Capua and Volsinii, her commerce and trade (on which, in fact, along with agriculture her prosperity from the beginning rested) must not be regarded as having been inconsiderable, or as having less sensibly experienced the influence of her new commanding position.

Capital in Rome.

No urban middle-class in the proper sense of that term, no body of independent tradesmen and merchants, was ever developed in Rome. The cause of this was (along with the disproportionate centralization of capital which occurred at an early period) mainly the employment of slave labour. It was usual in antiquity, and was in fact a necessary consequence of slavery, that the minor trades in towns were very frequently carried on by slaves, whom their master established as artisans or merchants; or by freedmen, in whose case the master not only frequently furnished the capital, but also regularly stipulated for a share, often the half, of the profits. Retail trading and dealing in Rome were undoubtedly constantly on the increase; and there are proofs that the trades which minister to the luxury of great cities began to be concentrated in Rome—the Ficoroni casket for instance was designed in the fifth century by a Prænestine artist and was sold to Præneste, but was nevertheless manufactured in Rome.* But as the net proceeds even of retail business flowed for the most part into the coffers of the great houses, no industrial and commercial middle-class arose to an extent corresponding to that increase. As little were the great merchants and great manufacturers marked off as a distinct class from the great landlords. On the one hand, the latter were from ancient times (P. 212, 276) simultaneously traders and capitalists, and combined in their hands lending on security, trafficking on a great scale, the undertaking of contracts, and the executing of works for the state. On the other hand, from the emphatic moral importance which in the Roman commonwealth attached to the possession of land, and from its constituting

* The conjecture that Novius Plautius, the artist who wrought at this casket in Rome for Dindia Macolnia, may have been a Campanian, is refuted by the old Prænestine tomb-stones recently discovered, on which, among other Macolnii and Plautii, there occurs also a Lucius Magolnius, son of Plautius (*L. Magolnio Pla. f.*).

the sole basis of political privileges, a basis which was infringed for the first time only towards the close of this epoch (P. 316), it was undoubtedly at this period usual for the fortunate speculator to invest part of his capital in land. It is clear enough also from the political privileges given to freedmen possessing freeholds (P. 316), that the Roman statesmen sought in this way to diminish the dangerous class of the rich who had no land.

Development of Rome as a great city.

But while neither an opulent civic middle class, nor a strictly close body of capitalists grew up in Rome, it was constantly acquiring more and more the character of a great city. This is plainly indicated by the increasing number of slaves crowded together in the capital (as attested by the
419. very serious slave conspiracy of 335), and still more by the increasing multitude of freedmen which was gradually becoming inconvenient and dangerous, as we may safely infer
357. from the considerable tax imposed on manumissions in 397 (P. 310) and from the limitation of the political rights of
304. freedmen in 450 (P. 316). For not only was it in the circumstances necessary that the great majority of the persons emancipated should devote themselves to trade or commerce, but manumission itself among the Romans was, as we have already said, less an act of liberality than an industrial speculation, the master often finding it more for his interest to share the profits of the trade or commerce of the freedman than to assert his title to the whole proceeds of the labour of his slave. The increase of emancipations must therefore have necessarily kept pace with the increase of the commercial and industrial activity of the Romans.

A similar indication of the rising importance of urban life in Rome is presented by the great development of the urban police. To this period probably belong in great measure the enactments under which the four ædiles divided the city into four police districts, and made provision for the discharge of their equally important and difficult functions —for the efficient repair of the network of drains small and large by which Rome was pervaded, as well as of the public buildings and places; for the proper cleansing and paving of the streets; for preventing the nuisances of ruinous buildings, dangerous animals, or foul smells; for the removing of waggons from the highway except during the hours of evening and night, and generally for the keeping open of the communication; for the uninterrupted supply of the

market of the capital with good and cheap grain; for the destruction of unsound goods, and the suppression of false weights and measures; and for the special oversight of baths, taverns, and houses of bad fame.

Lastly, the new capital of Italy began gradually to lay aside its village-like aspect. In architecture indeed the regal period, particularly the epoch of the great conquests, probably accomplished more than the first two centuries of the republic. Structures like the temples on the Capitol and on the Aventine and the great Circus, were probably as offensive in the eyes of the frugal fathers of the city as of the burgesses who gave their taskwork; and it is remarkable that perhaps the most considerable building of the republican period before the Samnite wars, the temple of Ceres in the Circus, was a work of Spurius Cassius (261), who in more than one respect sought to lead the commonwealth back to the traditions of the kings. The governing aristocracy moreover repressed private luxury with a vigour such as the prolonged rule of the kings would certainly not have displayed. But at length even the senate was no longer able to resist the superior force of circumstances. It was Appius Claudius who in his epochal censorship (442) threw aside the antiquated rustic system of parsimonious hoarding, and taught his fellow-citizens to make a worthy use of the public resources. He began that noble system of public structures of general utility, which justifies, if anything can justify, the military successes of Rome when viewed even in the light of the well-being of the nations, and which even now in its ruins furnishes some idea of the greatness of Rome to thousands on thousands who have never read a page of her history. To him the Roman state was indebted for its first great military road, and the Roman city for its first aqueduct. Following in Claudius' steps, the Roman senate wove round Italy that network of roads and fortresses, the formation of which has already been described, and without which, as the history of all military states from the Achæmenides down to the creator of the road over the Simplon shows, no military hegemony can subsist. Following in Claudius' steps, Manius Curius built from the proceeds of the Pyrrhic spoil a second aqueduct for the capital (482); and some years previously (464), with the produce of the Sabine war he opened up for the Velino, at the point above Terni where it falls into the Nera,

493.

Impulse given to architecture.

312.

272. 290.

that broader channel in which the stream at present flows, with a view to drain the beautiful valley of Rieti, and thereby to gain space for a large burgess settlement, along with a modest farm for himself. Such works, even in the eyes of persons of intelligence, threw into the shade the aimless magnificence of the Hellenic temples. The style of living also among the citizens now was altered. The chroniclers
284. date from 470 the disappearance of shingle roofs in Rome; and about the same time silver plate began to make its appearance on Roman tables.* Now too the new capital of Italy began to embellish itself. It was not yet indeed customary to strip the temples in conquered towns of their ornaments for the decoration of Rome; but the beaks of the galleys of Antium were paraded at the orator's platform in the Forum (P. 368); and on public festival days the gold-mounted shields brought home from the battle-fields of Samnium were exhibited along the booths of the market (P. 383). The proceeds of fines were specially applied to the paving of the highways in and near the city, or to the erection and embellishment of public buildings. The wooden booths of the butchers, which stretched along the Forum on both sides, gave place, first on the Palatine side, then on that also which adjoined the Carinæ, to the stone halls of the money-changers; and thus the Forum became the Roman Exchange. Statues of the famous men of the past—of the kings, priests, and heroes of the legendary period and of the Grecian *hospes*, who was said to have interpreted to the decemvirs the laws of Solon; honorary columns and monuments dedicated to the great magistrates who had conquered the Veientes, the Latins, the Samnites; to the state envoys who had perished while executing their instructions; to rich women who had bequeathed their property to public objects—nay even already to celebrated Greek philosophers and heroes, such as Pythagoras and Alcibiades, —were erected on the Capitol or in the Forum. Thus, when the Roman community had become a great power, Rome itself became a great city.

* We have already mentioned the censorial stigma attached to Publius Cor-
290. 277. nelius Rufinus (consul 464, 477) for his silver plate (P. 446). The strange statement of Fabius (*ap. Strabon.* v. p. 228) that the Romans first became given to luxury (*αἰσθέσθαι τοῦ πλούτου*) after the conquest of the Sabines, is evidently only another version of the same story: for the conquest of the Sabines took place in the first consulate of Rufinus.

Lastly Rome, as head of the Romano-Italian confederacy, not only entered into the Hellenistic state-system, but also conformed to the Hellenic system of moneys and coins. Up to this time the different communities of northern and central Italy, with few exceptions, had struck only a copper currency; the south Italian towns again universally had a currency of silver; and there were as many legal standards and systems of coinage as there were sovereign communities in Italy. In 485 all these local mints were restricted to the issuing of small coin; a general standard of currency applicable to all Italy was introduced, and the coining of the currency was centralized in Rome; Capua alone continued to retain its own silver coinage struck in the name of Rome, but after a different standard. The new monetary system was based on the legal ratio subsisting between the two metals, as it had long been fixed (P. 458). The common monetary unit was the piece of ten asses, or the *denarius*, which weighed in copper $3\frac{1}{3}$, and in silver $\frac{1}{72}$, of a Roman pound, a trifle more than the Attic *drachma*. At first copper money still predominated in the coinage; and it is probable that the earliest silver *denarii* were coined chiefly for Lower Italy and for intercourse with other lands. As the victory of the Romans over Pyrrhus and Tarentum, and the Roman embassy to Alexandria could not but engage the thoughts of the contemporary Greek statesmen, so the sagacious Greek merchant might well ponder as he looked on these new Roman *drachmæ*. Their flat, unartistic, and monotonous stamping appeared poor, indeed, and insignificant by the side of the marvellously beautiful contemporary coins of Pyrrhus and the Sicelios; nevertheless they were by no means, like the barbarian coins of antiquity, slavishly imitated and unequal in weight and alloy, but, on the contrary, worthy from the first, by their independent and careful execution, to be placed on a level with any Grecian coin.

Silver standard of value.

269.

Thus, when the eye turns from the development of constitutions and from the national struggles for dominion and for freedom which agitated Italy, and Rome in particular, from the banishment of the Tarquinian house to the subjugation of the Samnites and the Italian Greeks, and rests on those calmer spheres of human existence which history nevertheless pervades and rules, it everywhere encounters the reflex influence of the great events, by which the Roman burgesses burst the bonds of patrician sway, and the rich

Extension of the Latin nationality.

variety of the national cultures of Italy gradually perished to enrich a single people. While the historian may not attempt to follow out the great course of events into the infinite multiplicity of individual detail, he does not overstep his province when, laying hold of detached fragments of scattered tradition, he indicates the most important changes which during this epoch took place in the national life of Italy. The fact that in such an inquiry the life of Rome becomes still more prominent than in the earlier epoch, is not merely the result of the accidental blanks of our tradition; it was an essential consequence of the change in the political attitude of Rome, that the Latin nationality should begin to cast the other nationalities in Italy into the shade. We have already referred to the fact, that at this epoch the neighbouring lands, southern Etruria, Sabina, the land of the Volscians, and even Campania, began to become Romanized, as is attested by the almost total absence of monuments of the old native dialects, and by the occurrence of very ancient Roman inscriptions in those regions; the numerous individual assignations and colonial establishments scattered throughout Italy were, not only in a military but also in a linguistic and national point of view, the advanced posts of the Latin stock. It is true that the Latinizing of the Italians was scarcely at this time the aim of Roman policy; on the contrary, the Roman senate seems to have intentionally maintained a distinction between the Latin and other nationalities, and to have by no means absolutely allowed the introduction of Latin into official use among the communities dependent on Rome. The force of circumstances, however, is stronger than even the strongest government: the language and customs of the Latin people immediately shared its ascendancy in Italy, and already began to undermine the other Italian nationalities.

Progress of Hellenism in Italy.

These nationalities were at the same time assailed from another quarter, and by an ascendancy resting on another basis—by Hellenism. This was the period when Hellenism began to become conscious of its intellectual superiority to the other nations, and to diffuse itself on every side. Italy did not remain unaffected by it. The most remarkable phenomenon of this sort is presented by Apulia, which after the fifth century of Rome gradually laid aside its barbarian dialect and silently became Hellenized. This change was brought about, as in Macedonia and Epirus, not

by colonization, but by civilization—which seems to have gone hand in hand with the land commerce of Tarentum; at least that hypothesis is favoured by the facts, that the districts of the Pœdiculi and Daunii who were on friendly terms with the Tarentines carried out their Hellenization more completely than the Sallentines who lived nearer Tarentum but were constantly at feud with it, and that the towns that were soonest Græcized, such as Arpi, were not situated on the coast. The stronger influence exerted by Hellenism over Apulia than over any other Italian region is explained partly by its position, partly by the slight development of any national culture of its own, and partly perhaps by its nationality presenting a character less alien to the Greek stock than that of the rest of Italy (P. 10). We have already called attention (P. 363) to the fact that the southern Sabellian stocks, although at first in concert with the tyrants of Syracuse they arrested and corrupted the Hellenism of Magna Græcia, were at the same time affected by contact and mingling with the Greeks, so that some of them, such as the Bruttians and Nolans, adopted the Greek language by the side of their native tongue; others, such as the Lucanians and part of the Campanians, adopted at least Greek writing and Greek manners. Etruria likewise shows tendencies towards a kindred development in the remarkable vases which have been discovered (P. 460) belonging to this period, in which it rivals Campania and Lucania; and though Latium and Samnium remained more strangers to Hellenism, there were not wanting there also traces of an incipient and ever-growing influence of Greek culture. In all branches of the development of Rome during this epoch, in legislation and coinage, in religion, in the formation of family legends, we encounter traces of the Greeks; and from the commencement of the fifth century in particular, in other words, after the conquest of Campania, the Greek influence on Roman life appears rapidly and constantly on the increase. In the fourth century occurred the erection of the "*Græcostasis*" (remarkable even in the form of the word), a platform in the Roman Forum for eminent Greek strangers and primarily for the Massiliots (P. 430). In the following century the annals begin to present noble Romans with Greek surnames, such as Philippus or in Roman Pilipus, Philo, Sophus, Hypsæus. Greek customs gained ground; such as the non-Italian

practice of placing inscriptions in honour of the dead on the
298. tomb—of which the epitaph of Lucius Scipio (consul in 456) is the oldest example known to us; the fashion, also foreign to the Italians, of erecting (without any decree of the state) honorary monuments to ancestors in public places—a system begun by the great innovator Appius Claudius, when he caused bronze shields with images and eulogies of his ancestors to be suspended in the new temple of Bellona
312. (442); the distribution of branches of palms to the com-
293. petitors, introduced at the Roman national festival in 461;

Adoption of Greek habits at table.

above all, the Greek manners and habits at table. The custom, not of sitting as formerly on benches, but of reclining on couches, at table; the postponement of the chief meal from noon to between two and three o'clock in the afternoon according to our mode of reckoning; the institution of masters of the revels at banquets, who were appointed from among the guests present, generally by throwing the dice, and who then prescribed to the company what, how, and when they should drink; the table-chants sung in succession by the guests—chants which in Rome were not *scolia*, but lays in praise of ancestors—all these were not primitive customs in Rome, but were borrowed from the Greeks; and that at a very early period, for in Cato's time these usages were already common and had in fact partly fallen into disuse again. We must therefore place their introduction in this period at the latest. A characteristic feature also was the erection of statues to the wisest and the bravest Greek in the Roman Forum, which took place by command of the Pythian Apollo during the Samnite wars. The selection fell on Pythagoras and Alcibiades, the hero-sage and the Hannibal of the western Hellenes. The extent to which an acquaintance with Greek was already diffused in the fifth century among the leading Romans, is shown by the embassies of the Romans to Tarentum (when their mouthpiece spoke, if not in the purest Greek, yet without an interpreter), and of Cineas to Rome. It scarcely admits of a doubt that from the fifth century the young Romans, who devoted themselves to state affairs, universally acquired a knowledge of what was then the general language of the world and of diplomacy.

Thus in the intellectual sphere Hellenism made a progress as irresistible as that which the Romans achieved in their career of outward conquest; and the secondary nation-

alities, such as the Samnites, Celts, and Etruscans, hard pressed on all sides, were ever losing their inward vigour as well as narrowing their outward bounds.

When the two great nations, both arrived at the height of their development, began to mingle in hostile or in friendly contact, their antagonism of character was at the same time prominently and fully brought out—the total want of individuality in the Italian and especially in the Roman character, as contrasted with the boundless variety, lineal, local, and personal, of Hellenism. There was no epoch of mightier vigour in the history of Rome than the epoch from the institution of the republic to the subjugation of Italy. That epoch laid the foundations of the commonwealth both within and without; it created an united Italy; it gave birth to the traditional groundwork of the common law and of the national history; it originated the *pilum* and the maniple, the construction of roads and of aqueducts, the farming of estates and the monetary system; it moulded the she-wolf of the Capitol, and designed the Ficoroni casket. But the individuals, who contributed the several stones to this gigantic structure and cemented them together, have disappeared without leaving a trace, and the nations of Italy did not merge into that of Rome more completely than the single Roman burgess merged in the Roman community. As the grave closes alike over all whether important or insignificant, so in the roll of Roman magistrates the empty scion of nobility stands undistinguishable by the side of the great statesman. Of the few records that have reached us from this period none is more venerable, and none at the same time more characteristic, than the epitaph of Lucius Cornelius Scipio, who was consul in 456, and three years afterwards took part in the decisive battle of Sentinum (P. 390). On the beautiful sarcophagus, in noble Doric style, which eighty years ago still enclosed the dust of the conqueror of the Samnites, the following sentence is inscribed:—

Rome and the Romans of this epoch.

298.

Cornélius Lucius—Scipió Barbátus
Gnaivód patré prognátus—fórtis vír sapiénsque
Quoiús fórma virtútei parisuma fúit
Consól censór aidilis—quei fuit apúd vos
Taurásiá Cisaúna—Sámnió cépit
Subigít omné Loucánam—ópsidésque abdoúcit.
⏑ — ⏑ — ⏑ — ⏑ ‖ — ⏑ — ⏑ — ⏑

Innumerable others who had been at the head of the Roman commonwealth, as well as this Roman statesman and warrior, might be commemorated as having been of noble birth and of manly beauty, valiant and wise; but there was no more to record regarding them. It is no mere fault of tradition that among all these Cornelii, Fabii, Papirii and the like, we nowhere encounter a distinct individual figure. The senator was intended to be no worse and no better than other senators, nor at all to differ from them. It was not necessary and not desirable that any burgess should surpass the rest, whether in showy silver plate and Hellenic culture, or in uncommon wisdom and excellence. Excesses of the former kind were reproved by the censor, and for the latter the constitution gave no scope. The Rome of this period belonged to no individual; it was necessary that the burgesses should all be alike, that each of them might be like a king.

No doubt, even now Hellenic individual development began to assert its claims by the side of that repressive system; and the gifted and powerful character of this opposing movement bears, no less than the tendency to which it opposed itself, the full stamp of that great age. We can but name a single man in connection with it; but he was, as it were, the incarnation of the idea of progress. Appius Claudius (censor 442; consul 447, 458), the great great-grandson of the decemvir, was the proudest aristocrat of his time; he had fought the last battle for the ancient privileges of the patriciate, and as the last efforts to prevent the participation of the plebeians in the consulate emanated from him, so he contended more vehemently than any other with the precursors of the popular party, Manius Curius and men of similar views. But it was Appius Claudius who set aside the restriction which confined the full franchise of the state to the freeholders (P. 316), and who broke up the old system of finance (P. 463). From Appius Claudius date not only the Roman aqueducts and highways, but also Roman jurisprudence, eloquence, poetry, and grammar; the institution of a table of the *legis actiones*, speeches committed to writing and Pythagorean sentences, and even innovations in orthography, are attributed to him. There is no inconsistency in such a view. Appius Claudius was neither aristocrat nor democrat; in him the spirit of the ancient and modern patrician kings predominated—the spirit of the Tarquins

312. 307. 296.

and the Cæsars, between whom he forms a connecting link in that five hundred years' interregnum of extraordinary deeds and ordinary men. So long as Appius Claudius took active part in public life, in his official conduct as well as his general carriage he disregarded laws and customs on all hands with the hardihood and sauciness of an Athenian; till, after having long retired from the political stage, the blind old man, returning as it were from the tomb at the decisive moment, overcame king Pyrrhus in the senate, and first formally and solemnly proclaimed the complete sovereignty of Rome (P. 411). But the gifted man came too early or too late; the gods made him blind on account of his untimely wisdom. It was not individual genius that ruled in Rome, and through Rome in Italy, but the one immoveable idea of a policy—propagated from generation to generation in the senate—with the leading maxims of which the senators' sons were already imbued, when in the company of their fathers they made their appearance in the senate hall and there listened to the wisdom of the men whose seats they were destined at some future time to fill. Immense successes were thus obtained at an immense price; for Nike too is followed by her Nemesis. In the Roman commonwealth nothing specially depended on any one man, either on soldier or on general, and under the rigid discipline of its moral police all the idiosyncrasies of human character were extinguished. Rome reached a greatness such as no other state of antiquity attained; but she dearly purchased her greatness at the sacrifice of the graceful variety, of the easy *abandon*, and of the inward freedom of Hellenic life.

CHAPTER IX.

ART AND SCIENCE.

The Roman national festival.

THE growth of art, and of poetic art especially, in antiquity was intimately associated with the development of national festivals. The extraordinary thanksgiving-festival of the Roman community which had been organized in the previous period mainly under Greek influence, the *ludi maximi*, or *Romani* (P. 235), acquired during the present epoch a longer duration, and greater variety in the amusements. Originally limited to one day, the festival was prolonged by an additional day after the happy termination of each of the three great revolutions of 245, 260, and 387, and thus at the close of this period it had already a duration of four days.*

509. 494. 367.

A still more important circumstance was, that, probably on the institution of the curule ædileship (387) which was from

367.

* The account given by Dionysius (vi. 95; comp. Niebuhr, ii. 40) and by Plutarch deriving his statement from another passage in Dionysius (*Camill.* 42), regarding the Latin festival, must be understood to apply to the Roman rather than the Latin games, as, apart from other grounds, is strikingly evident from comparing the latter passage with Liv. vi. 42 (comp. Ritschl. *Parerg.* i. p. 313). Dionysius has perseveringly, according to his wont when in error, misunderstood the expression *ludi maximi*.

There was, moreover, a tradition which referred the origin of the national festival not, as in the common version, to the conquest of the Latins by the first Tarquinius, but to the victory over the Latins at the Lake Regillus (Cicero, *de Div.* i. 26, 55; Dionys. vii. 71). That the important statements preserved in the latter passage from Fabius really relate to the ordinary thanksgiving-festival, and not to any special votive solemnity, is evident from the express allusion to the annual recurrence of the festival, and from the exact agreement of the sum of the expenses with the statement of the Pseudo-Asconius (p. 142 *Or.*).

the first intrusted with the preparation and oversight of the festival (P. 306), it lost its extraordinary character and its reference to a special vow made by the general, and took its place in the series of the ordinary annual festivals. Nevertheless the government adhered to the rule of allowing the proper spectacle, namely the chariot-race which was its principal feature, to take place not more than once at the close of the festival. On the other days the multitude were probably left mainly to furnish amusement for themselves, although musicians, dancers, rope-walkers, jugglers, jesters and such like would not fail to make their appearance on the occasion, whether hired or not. But about the year 390 an important change occurred, 364.
which must have been connected with the fixing and prolongation of the festival that took place shortly before. A The Roman stage.
scaffolding of boards was erected at the state's expense in the Circus for use during the first three days, and provision was made for suitable representations on it for the entertainment of the multitude. That matters might not be carried too far however in this way, a fixed sum of 200,000 asses (£2055) was once for all appropriated from the exchequer for the expenses of the festival; and the sum was not augmented up to the period of the Punic wars. The ædiles, who had to expend this sum, were obliged to defray any additional expense out of their own pockets; and it is not probable that they contributed often or much from their own resources. That the new stage was generally under Greek influence, is proved by its very name (*scaena*, σκηνή). It was no doubt primarily designed for mere musicians and buffoons of all sorts, amongst whom the dancers to the flute, particularly those then so celebrated from Etruria, were probably the chief; but a public stage had now arisen in Rome and thereby became accessible to the Roman poets.

There was no want of such poets in Latium. Latin Ballad-singers. *Satura.*
"strolling minstrels" or "ballad-singers" (*grassatores, spatiatores*) went from town to town and from house to house, and recited their chants (*saturæ*, P. 29), gesticulating and dancing to the accompaniment of the flute. The measure was of course the only one that then existed, the so-called Saturnian (P. 233). No distinct plot lay at the basis of the chants, and as little do they appear to have been in the form of dialogue. We must conceive of them as resembling those monotonous, sometimes improvised sometimes recited, ballads and *tarantelle*, such as one may still at any time

in the Roman hostelries. Songs of this sort accordingly early came upon the public stage, and certainly formed the first nucleus of the Roman theatre. But not only were these beginnings of the drama in Rome, as well as elsewhere, modest and humble; they were, in a remarkable manner, accounted from the very first disreputable. The Twelve Tables already denounced malicious and vain song-singing, imposing severe penalties not only upon incantations but even on lampoons composed against a fellow-citizen or recited before his door, and forbidding the employment of wailing-women at funerals. But far more severely than by such legal restrictions, the incipient exercise of art was affected by the moral anathema, which was denounced against these frivolous and mercenary trades by the staid earnestness of the Roman character. "The trade of a poet," says Cato, "in former times was not respected; if any one occupied himself therewith or addicted himself to banquets, he was called an idler." Whoever practised dancing, music, or ballad-singing for money, was visited with a double stigma, in consequence of the more and more confirmed disapproval of the acquisition of a livelihood by services rendered for hire. While accordingly a participation in the masked farces with stereotyped characters, that formed the usual native amusement (P. 234), was looked upon as a pardonable youthful frolic, the appearing on a public stage for money and without a mask was considered as directly infamous, and the singer and poet were in this respect placed quite on a level with the rope-dancer and the harlequin. Persons of this stamp were regularly pronounced by the censors (P. 446) incapable of serving in the burgess army or of voting in the burgess assembly. Moreover, not only was the direction of the stage regarded as pertaining to the province of the city police—a significant enough fact even in itself—but the police was probably, even at this period, invested with arbitrary powers of an extraordinary character against professional artists. Not only did the police magistrates, after the performance was over, sit in judgment on it—on which occasion wine flowed as copiously for those who had acquitted themselves well, as stripes fell to the lot of the bungler—but all the urban magistrates were legally entitled to inflict bodily chastisement and imprisonment on any actor at any time and at any place. The necessary effect of this was that dancing, music, and poetry, at least

Censure of art.

so far as they appeared on the public stage, fell into the hands of the lowest classes of the population, and especially into those of foreigners; and while at this period poetry still played altogether too trifling a part to attract foreign artists to the pursuit of it, the statement on the other hand, that in Rome the whole music, sacred and profane, was really Etruscan, may be regarded as already applicable to this period; so that the ancient Latin art of the flute, which was evidently at one time held in high esteem (P. 235), had been supplanted by foreign music.

There is no mention of any poetical literature. Neither the masked plays nor the recitations of the stage can have had any definitely settled text; on the contrary, they were ordinarily improvised by the performer himself as circumstances required. Of works composed at this period posterity had nothing to show but a sort of Roman "Works and Days"—counsels of a farmer to his son,* and the already-mentioned Pythagorean poems of Appius Claudius (P. 470), the first commencement of Roman poetry after the Hellenic type. Nothing of the poems of this epoch has survived but one or two epitaphs in Saturnian measure (P. 469).

Roman historical composition.

Along with the rudiments of the Roman drama, the rudiments of Roman historical composition belong to this period; both as regards the contemporary recording of remarkable events, and as regards the conventional settlement of the early history of the Roman community.

Registers of magistrates.

The writing of contemporary history was associated with the register of the magistrates. The register reaching farthest back, which was accessible to the later Roman inquirers and is still indirectly accessible to us, seems to have been derived from the archives of the temple of the Capitoline Jupiter; for it records the names of the annual presidents of the community onward from the consul Marcus Horatius, who consecrated that temple on the 13th Sept. in his year of office, and it also notices the vow which was made on occasion of a severe pestilence under the consuls Publius Servilius and Lucius Æbutius (according to the reckoning now

* A fragment has been preserved :—

Hiberno pulvere, verno luto, grandia farra
Camille metes—

We do not know by what right this was afterwards regarded as the oldest Roman poem (Macrob. *Sat.* v. 20; Festus, *Ep. v. flaminius*, p. 93, M.; Serv. in Virg. *Georg.* i. 101; Plin. xvii. 2, 14).

463. current, 291 U. C.), that thenceforward a nail should be driven every hundredth year into the wall of the Capitoline temple. Subsequently the state officials who were learned in measuring and in writing, or in other words, the pontifices, kept an official record of the names of the annual chief magistrates, and thus combined an annual, with their earlier monthly, calendar. Both these calendars were afterwards comprehended under the name of Fasti—which strictly belonged only to the list of lawful court-days. This arrangement was probably adopted not long after the abolition of the monarchy; for in fact an official record of the annual magistrates was of urgent practical necessity for the purpose of affording evidence as to the order of succession of official acts. But, if there was an official register of the consuls so old, it probably perished in the Gallic conflagra-
390. tion (364); and the list of the pontifical college was subsequently completed from the Capitoline register which was not affected by that catastrophe, so far as the latter reached. That the list of presidents which we now have (although in subordinate matters, and especially in genealogical statements, it has been supplemented from the family pedigrees of the nobility) is in substance based from the beginning on contemporary and credible records, admits of no doubt. But it reproduces the calendar years only imperfectly and approximately: for the consuls did not enter on office with the new year, or even on a definite day fixed once for all; on the contrary, from various causes the day of entering on office was fluctuating, and the *interregna* that frequently occurred between two consulates were entirely omitted in the reckoning by official years. Accordingly, if the calendar years were to be reckoned by this list of consuls, it was necessary to note the days of entering on and of demitting office in the case of each pair, along with such *interregna* as occurred; and this too was probably early done. But further, the list of the consuls was adjusted to the list of calendar years in such a way that a pair of magistrates were by accommodation assigned to each calendar year; and, where the list did not suffice, intercalary years were inserted, which are denoted in the later (Varronian) tables by the figures 379–383, 421, 430, 445, 453. From 291 U. C. (463 B. C.) the Roman list demonstrably, not indeed in detail but yet on the whole, coincides with the Roman calendar, and is thus chronologically certain, so far as the

defectiveness of the calendar itself allows. The 47 years preceding that date cannot be checked, but must likewise be at least in the main correct.* Whatever lies beyond 245 U. C. (509 B. C.) remains, chronologically, in oblivion.

No era was formed for every-day use; but in ritual matters they reckoned from the year of the consecration of temple of the Capitoline Jupiter, with which the list of magistrates also started. Capitoline era.

The idea naturally suggested itself that, along with the names of the magistrates, the most important events occurring under their magistracy might be noted; and from such notices appended to the catalogue of magistrates the Roman annals arose, just as the chronicles of the middle ages arose out of the memoranda attached to the table of Easter. Isolated notices of this sort reach back to the earliest sections of the Fasti preserved; such as the statements as to the institution of the twenty-one tribes in 259 (P. 282), and as to the removal of the old fig-tree in the Roman forum in 260 (P. 197). But it was not until a late period that the pontifices formed the scheme of a formal chronicle (*liber annalis*), which should steadily year by year record the names of all the magistrates and the remarkable events. Before the eclipse of the sun noticed under the 5th of June 351, by which is probably meant that of the 20th June 354, no solar eclipse was found recorded from observation in the later chronicle of the city: its statements as to the numbers of the census first begin to sound credible after the beginning of the fifth century (P. 102, 437); the cases of fines brought before the people, and the prodigies expiated on behalf of the community, appear to have been regularly introduced into the annals only after the second half of the fifth century began. To all appearance the institution of an organized book of annals, and, what was certainly associated with it, the revision (which we have just explained) of the earlier list of magistrates so as to make it a year-calendar by the insertion, where chronologically necessary, of intercalary years, must have taken place in the first half of the fifth century. But even after it became a practically recognized duty of the *Pontifex maximus* to record year after year campaigns and colonizations, pestilences and famines, eclipses Annals. 495. 494. 403. 400.

* The first places in the list alone excite suspicion, and may have been subsequently added with a view to round off the number of years from the kings' flight to the burning of the city to 120.

and portents, the deaths of priests and other men of note, the new decrees of the people, and the results of the census, and to deposit these records in his official residence for permanent preservation and for any one's inspection, these records were still far removed from the character of real historical writings. How scanty the contemporary record still was at the close of this period and how ample room it left for the caprice of subsequent annalists, is shown with especial clearness by a comparison of the accounts as
298. to the campaign of 456, in the annals and in the epitaph of the consul Scipio.* The later historians were evidently unable to construct a legible and in some measure connected narrative from these notices from the book of annals; and we would have difficulty, even if the book of annals still lay before us with its original contents, in writing thence a rational history of the times. Such chronicles, however, did not exist merely in Rome; every Latin town possessed its annals as well as its pontiffs, as is clear from isolated notices relative to Ardea for instance, Ameria, and Interamna on the Nar; and from the collective mass of these town chronicles some result might perhaps have been attained, similar to what has been accomplished for the earlier middle ages by a comparisonof the different monastic chronicles. Unfortunately the Romans in later times preferred to supply the defect by Hellenic or Hellenizing falsehoods.

Family pedigrees. Besides these official arrangements, imperfect in design and uncertain in execution, for the determination of past times and past events, there can scarcely have existed at this epoch any other records immediately serviceable for Roman history. Of private chronicles we find no trace. The leading houses, however, were careful to draw up genealogical tables, so important in a legal point of view, and to have the family pedigree painted in perpetual memorial on the walls of their lobbies. These lists, which at least named the magistracies held by the family, not only furnished a basis for family tradition, but probably at an early period had biographical notices attached to them. The memorial orations, which in Rome could not be omitted at the funeral of any distinguished person, and were ordinarily pronounced by the nearest relative of the

* P. 469. According to the annals Scipio commands in Etruria, and his colleague in Samnium, and Lucania is during this year in league with Rome; according to the epitaph Scipio conquers two towns in Samnium and all Lucania.

deceased, consisted not merely in an enumeration of the virtues and excellences of the dead, but also in a recital of the deeds and virtues of his ancestors; and so they were probably, even in the earliest times, transmitted traditionally from one generation to another. Many a valuable account may by this means have been preserved; but beyond doubt many a bold perversion and falsification also have been in this way introduced into tradition.

Roman early history of Rome.

But as the first steps towards writing actual history belonged to this period, to it belonged also the first attempts to put on record, and to give conventional shape to, the early history of Rome. The sources whence it was formed were of course the same as they are everywhere. Isolated names and acts, the kings Numa Pompilius, Ancus Marcius, Tullus Hostilius, the conquest of the Latins by king Tarquinius and the expulsion of the Tarquinian royal house, probably continued to live in a universal and genuine tradition orally transmitted. Further materials were furnished by the traditions of the patrician *gentes*, such as the repeatedly occurring tales about the Fabii. Other tales gave a symbolic and historical version of primitive national institutions, especially detailing with great vividness the origin of rules of law. The sacredness of the walls was thus illustrated in the tale of the death of Remus, the abolition of blood-revenge in the tale of the end of King Tatius (P. 158, note), the necessity of the rule laid down regarding the *pons sublicius* in the legend of Horatius Cocles,* the origin of the *provocatio* in the beautiful tale of the Horatii and Curiatii, the origin of emancipation and of the burgess-rights of freedmen in the tale of the Tarquinian conspiracy and the slave Vindicius. To the same class belongs the history of the foundation of the city itself, which was designed to connect the origin of Rome with Latium and with Alba the general metropolis of the Latins. Historical glosses were annexed to the surnames of distinguished Romans; that of Publius Valerius the "people's servant" (*Poplicola*), for instance, gathered around it a whole group of such anecdotes. Above all, the sacred fig-tree and other spots and notable objects in the city were associated with a great multitude of sacristan's tales of the same sort with those out of which, upwards of a thousand

* This object of the legend is clear from Pliny the Elder (*H. N.* xxxvi. 15, 100).

years afterwards, there grew up on the same ground the Mirabilia Urbis. Some attempts to link together these different tales—the fixing of the series of the seven kings, the estimate of the duration of the monarchy at 240 years in all, which was undoubtedly based on a calculation of the length of generations,* and even the commencement of an official record of these assumed facts—probably took place in this epoch. The outlines of the narrative, and in particular its quasi-chronology, make their appearance in the later tradition so unalterably fixed, that for that very reason the fixing of them must be placed not in, but before the literary epoch of Rome. Since a bronze casting of the twins Romulus and Remus sucking the teats of the she-wolf was already
296. placed by the sacred fig-tree in 458, the Romans who subdued Latium and Samnium must have heard a version of the history of the origin of their ancestral city not greatly differing from what we read in Livy. Even the Aborigines (*i. e.* "those from the beginning"), that simple starting-point in the historical speculation of the Latin race, present
289. themselves about 465 in the Sicilian author Callias. It is of the very nature of a chronicle that it should attach prehistoric speculation to history and endeavour to go back, if not to the origin of heaven and earth, at least to the origin of the community; and there is express evidence that the table of the pontifices specified the year of the foundation of Rome. Accordingly it may be assumed that, when the pontifical college in the first half of the fifth century proceeded to substitute for the former scanty records (ordinarily confined to the names of the magistrates) the scheme of a formal yearly chronicle, it also supplied the lack of a beginning by the history of the monarchy and of its abolition, and, by placing the institution of the republic on the day of the
509. consecration of the Capitoline temple, the 13th of Sept. 245, furnished a semblance of connection between the dateless and the annalistic narrative. That in this earliest record of the origin of Rome the hand of Hellenism was at work, can scarcely be doubted. The speculations as to the primitive and subsequent population and as to the priority of

* They appear to have reckoned three generations to the hundred years and to have rounded off the figures 233⅓ to 240, just as the epoch between the king's flight and the burning of the city was rounded off to 120 years (P. 477, *n.*). The reason why these numbers probably suggested themselves is apparent from the similar adjustment (above explained, P. 215) of the measures of surface.

pastoral life over agriculture, and the transformation of the man Romulus into the god Quirinus (P. 174), have quite a Greek aspect, and even the obscuring of the genuinely national forms of the pious Numa and the wise Egeria by an admixture of alien elements of Pythagorean primitive wisdom appears by no means to be one of the most recent additions to the Roman pre-historic annals.

The pedigrees of the noble houses were completed in a manner analogous to these *origines* of the community, and were, in the usual style of heraldry, universally traced back to illustrious ancestors. The Æmilii, for instance, Calpurnii, Pinarii, and Pomponii professed to be descended from the four sons of Numa, Mamercus, Calpus, Pinus, and Pompo; and the Æmilii, moreover, from Mamercus, the son of Pythagoras, who was named the "winning speaker" (αἱμύλος).

But, notwithstanding the Hellenic reminiscences that are everywhere apparent in them, these pre-historic annals of the community and of the leading houses may be designated, at least relatively, as national, partly because they originated in Rome, partly because they were primarily intended to form links of connection, not between Rome and Greece, but between Rome and Latium.

Hellenic early history of Rome.

It was Hellenic story and fiction that undertook to form links of connection between Rome and Greece. Hellenic legend exhibits throughout the endeavour to keep pace with the gradual extension of geographical knowledge, and to form a dramatized geography by the aid of its numerous stories of voyagers and emigrants. In this, moreover, it seldom follows a simple course. An account like that of the earliest Greek historical work which mentions Rome, the "Sicilian History" of Antiochus of Syracuse (which ended in 330), that a man named Sicelus had migrated from Rome to Italia, that is to the Bruttian peninsula—such an account, simply giving an historical form to the family affinity between the Romans, Siculi, and Bruttians, and free from all Hellenizing colouring, is a rare phenomenon. Greek legend is on the whole (and the more so, the later its rise) marked by a dominant tendency to represent the whole barbarian world as having either issued from the Greeks or having been subdued by them; and it early in this sense wove its threads around the West. For Italy the legends of Herakles and of the Argonauts were of less importance (although already Hecatæus— + after 257—is acquainted with the pillars of Herakles, and

424.

497.

carries the Argo from the Black Sea into the Atlantic Ocean, from the latter into the Nile, and thus back to the Mediterranean), than were the homeward voyages that were connected with the fall of Ilion. With the first dawn of information as to Italy, Diomedes begins to wander in the Adriatic, and Odysseus in the Tyrrhene Sea (P. 147); indeed, the latter localization, at least, was naturally suggested by the Homeric conception of the legend. Down to the times of Alexander the countries on the Tyrrhene Sea belonged in Hellenic fable to the domain of the legend of Odysseus; even Ephorus, who ended his history with the year 414, and the so-called Scylax (about 418) follow it in the main. Of Trojan voyages the whole earlier poetry has no knowledge; in Homer Æneas after the fall of Ilion rules over the Trojans that remained at home. It was the great remodeller of myths, Stesichorus (122–201), who first in his "Destruction of Ilion" brought Æneas to the land of the west, that he might poetically enrich the fable-world of his birth and of his chosen home, Sicily and Lower Italy, by contrasting the Trojan and Hellenic heroes also there. With him originated the poetical outlines of the fable as thenceforward fixed, especially the group of the hero, with his wife, and his little son, and his aged father bearing the household gods, departing from burning Troy, and the important identification of the Trojans with the Sicilian and Italian Autochthones, which is especially apparent in the case of the Trojan trumpeter Misenus, who gave his name to the promontory of Misenum.* The old poet was guided in this view by the feeling, that the barbarians of Italy were less widely removed from the Hellenes than other barbarians were, and that the relation between the Hellenes and Italians might, when measured poetically, be conceived similar to that between the Homeric Achæans and the Trojans. This new Trojan story soon came to be mixed up with the earlier legends of Odysseus, while it was at the same time diffused over Italy. According to Hellanicus (who wrote about 350), Odysseus and Æneas came through the country of the Thracians and Molottians (Epirus) to Italy, where the Trojan women whom they had brought with them burn the ships, and Æneas

340. 336. Stesichorus. 632–553. 400

* The "Trojan colonies" in Sicily, mentioned by Thucydides, the pseudo-Scylax, and others, as well as the designation of Capua as a Trojan foundation in Hecatæus, must also be traced to Stesichorus and his identification of the natives of Italy and Sicily with the Trojans.

founds the city of Rome and names it after one of these Trojan women. To a similar effect, only with less absurdity, Aristotle (370-432) related that an Achæan squadron cast upon the Latin coast had been set on fire by Trojan female slaves, and that the Latins originated from the descendants of the Achæans who were thus compelled to remain there and their Trojan wives. With these tales were next mingled elements of indigenous legends, the knowledge of which had been diffused as far as Sicily by the active intercourse between Sicily and Italy, at least towards the end of this epoch. In the version of the origin of Rome, which the Sicilian Callias gave about 465, the fables of Odysseus, Æneas, and Romulus were intermingled.* But the person who really completed the conception subsequently current of this Trojan migration was Timæus of Tauromenium in Sicily, who concluded his historical work with 492. It is he who represents Æneas as first founding Lavinium with its shrine of the Trojan Penates, and thereafter founding Rome; he must also have already interwoven the Tyrian princess Elisa or Dido with the legend of Æneas, for with him Dido is the foundress of Carthage, and Rome and Carthage are said by him to have been built in the same year. These inventions have manifestly been suggested by certain accounts that had reached Sicily respecting Latin manners and customs, in conjunction with the critical struggle which at the very time and place where Timæus wrote was preparing between the Romans and the Carthaginians. In the main, however, the story cannot have been derived from Latium, but can only have been a good-for-nothing invention of the old "gossip-monger." Timæus had heard of the primitive temple of the household gods in Lavinium; but the statement, that these were regarded by the Lavinates as the Penates brought by the followers of Æneas from Ilion, is as certainly an addition of his own, as the ingenious parallel between the Roman October horse and the Trojan horse, and the exact inventory of the sacred objects of Lavinium—there were, our worthy author affirms, heralds' staves of iron and copper, and an earthen vase of

384-322.

289.

Timæus.

262.

* According to his account Romé, a woman who had fled from Ilion to Rome, married Latinus, king of the Aborigines, and bore to him three sons, Romus, Romylus, and Telegonus. The last, who undoubtedly emerges here as founder of Tusculum and Præneste, belongs, as is well known, to the legend of Odysseus.

Trojan manufacture. It is true that these same Penates were not shown to any one for some centuries later; but Timæus was one of the historians who upon no matter are so fully informed as upon things unknowable. It is not without reason that Polybius, who knew the man, advises that he should in no case be trusted, and least of all where, as in this instance, he appeals to documentary proofs. In fact the Sicilian rhetorician, who professed to point out the grave of Thucydides in Italy, and who could find no higher praise for Alexander than that he had finished the conquest of Asia sooner than Isocrates finished his "Panegyric," was exactly the man to knead the naïve fictions of the earlier time into that confused medley on which the play of accident has conferred so singular a celebrity.

How far the Hellenic fables regarding Italian matters, such as they first arose in Sicily, gained credit at this period in Italy itself, cannot be ascertained with precision. Those links of connection with the Odyssean cycle, which we subsequently meet with in the legends of the foundation of Tusculum, Præneste, Antium, Ardea, and Cortona, must have been already invented at this period; and even the belief in the descent of the Romans from Trojan men or women must have been established at the close of this epoch in Rome, for the first demonstrable contact between Rome and the Grecian East is the intercession
282. of the senate on behalf of the "kindred" Ilians in 472. That the fable of Æneas was nevertheless of comparatively recent origin in Italy, is shown by the extremely scanty measure of its localization as compared with the legend of Odysseus; and at any rate the final revision of these tales, as well as their reconciliation with the legend of the origin of Rome, belongs only to the following age.

While in this way historical composition, or what was so called among the Hellenes, busied itself in its own fashion with the early history of Italy, it left the contemporary history of Italy almost untouched—a circumstance as significant of the sunken condition of Hellenic history, as it is to be for our sake regretted. Theopompus of Chios
336. (who ended his work with 418) barely noticed in passing the capture of Rome by the Celts; and Aristotle (P. 344), Clitarchus (P. 394), Theophrastus (P. 428), Heraclides of Pon-
300. tus (+ about 450), incidentally mention particular events relating to Rome. It is only with Hieronymus of Cardia,

who as the historian of Pyrrhus described also his Italian wars, that Greek historiography becomes an authority for the history of Rome.

Among the sciences, that of jurisprudence acquired an invaluable basis in the committing to writing of the laws of the city in the years 303, 304. This code, known under the name of the Twelve Tables, is perhaps the oldest Roman document that deserved the name of a book. The nucleus of the so-called "*leges regiæ*" was probably not much more recent. These were certain precepts chiefly of a ritual nature, which rested upon traditional usage, and were probably promulgated to the general public under the form of royal enactments by the college of Pontifices, which was entitled not to legislate, but to point out what the law prescribed. Moreover it is probable that from the commencement of this period the more important decrees of the senate (although not those of the people) were regularly recorded in writing; for already in the earliest conflicts between the orders disputes took place as to the mode of their preservation (P. 284, 295). Jurisprudence. 451. 450.

While the mass of written laws and documents thus increased, the foundations of a jurisprudence in the strict sense became also firmly laid. Both the magistrates who were annually changed and the jurymen taken from the people were under the necessity of applying to advisers (*auctores*), who were acquainted with the course of law, and knew how to suggest a decision accordant with precedents, or, in the absence of these, basing itself on reasonable grounds. The Pontifices who were wont to be consulted by the people regarding lawful court-days and regarding all questions of difficulty and points of ceremony relating to the worship of the gods, delivered also, when asked, counsels and opinions on other points of law, and thus developed in the bosom of their college that tradition, which formed the basis of Roman private law, more especially the *formulæ* of action proper for each particular case. A set of *formulæ* which embraced all these actions, along with a calendar which specified the court-days, was published to the people about 450 by Appius Claudius or by his clerk, Gnæus Flavius. This attempt, however, to formulize a science, that was hardly recognized as such at all, stood for a long time completely isolated. Opinions. List of formulæ for actions. 300.

That the knowledge of law and the exposition of it were even now a means of recommendation to the people and of

attaining offices of state, is conceivable enough, although the story, that the first plebeian *pontifex* Publius Sempro-
304. nius Sophus (consul 450), and the first plebeian *Pontifex*
280. *maximus* Tiberius Coruncanius (consul 474), were indebted for their honorary offices to their knowledge of law, is probably rather a conjecture of posterity than a statement of tradition.

Language. That the real genesis of the Latin and probably of the other Italian languages was anterior to this period, and that even at its commencement the Latin language was in the main complete, is evident from the fragments of the Twelve Tables, which have been, however, largely modernized by their semi-oral tradition. They contain a number of antiquated words and harsh combinations, particularly in consequence of omitting the indefinite subject; but their meaning by no means presents, like that of the Arval chant, any real difficulty, and they exhibit far more agreement with the language of Cato than with that of the ancient litanies. If the Romans at the beginning of the seventh century had difficulty in understanding documents of the fifth, the difficulty doubtless proceeded merely from the fact that there existed at that time in Rome no real research, least of all any study

Technical style. of documents. On the other hand it must have been at this period, when the exposition and the compilation of law began, that the Roman technical style first established itself —a style which at least in its developed shape is nowise inferior to the modern legal phraseology of England in stereotyped formulæ and turns of expression, endless enumeration of particulars, and long-winded periods; and which commends itself to the initiated by its clearness and precision, while the uninitiated, not understanding it, listen according to their character and humour with reverence,

Philology. impatience, or chagrin. Moreover at this epoch began the rational treatment of the native languages. About its commencement the Sabellian as well as the Latin idiom threatened, as we saw (P. 226), to become barbarous, and the mutilation of endings and the corruption of the vowels and more delicate consonants spread on all hands, just as was the case in the Romanic languages in the fifth and sixth centuries of the Christian era. But a reaction set in: in Oscan the sounds which had coalesced, *d* and *r*, in Latin the sounds which had coalesced, *g* and *k*, were again separated, and each was provided with its proper sign; *o* and *u*, for

which from the first the Oscan alphabet had lacked separate signs, and which had been in Latin originally separate but threatened to coalesce, again became distinct, and in Oscan even the *i* was resolved into two signs different in sound and in writing; lastly, the writing again came to follow more closely the pronunciation—the *s* for instance among the Romans being in many cases replaced by *r*. Chronological indications point to the fifth century as the period of this reaction; the Latin *g* for instance was not yet in existence about 300, but was so probably about 450. 500; the first of the Papirian *gens*, who called himself 250. Papirius instead of Papisius, was the consul of 418; the 336. introduction of *r* instead of *s* is attributed to Appius Claudius (censor in 442). Beyond doubt the re-introduction 312. of a more delicate and precise pronunciation was connected with the increasing influence of Greek civilization, which is observable at this very period in all departments of Italian life; and, as the silver coins of Capua and Nola are far more perfect than the contemporary asses of Ardea and Rome, the writing and the language appear also to have been more speedily and fully reduced to rule in the Campanian land than in Latium. How little, notwithstanding the labour bestowed on it, the Roman language and mode of writing had become settled at the close of this epoch, is shown by the inscriptions preserved from the end of the fifth century, in which the greatest arbitrariness prevails, particularly as to the insertion or omission of *m* and *s* in terminal sounds and of *n* in the body of a word, and as to the distinguishing of the vowels *o u* and *e i*.* It is probable that the contemporary Sabellians were in these points further advanced, while the Umbrians were but slightly affected by the regenerating influence of the Hellenes.

In consequence of this progress of jurisprudence and Instruction.

* In the two epitaphs of Lucius Scipio, consul in 456, and of the consul of 298. the same name in 495, *m* and *d* are ordinarily wanting in the termination of 259. cases, yet *Luciom* and *Gnaivod* respectively occur once; there occur alongside of one another the nominatives *Cornelio, filios; cosol, cesor*, alongside of *consol, censor; aidiles, dedet, ploirume* (= *plurimi*) *hec* (nom. sing.) alongside of *aidilis, cepit, quei, hic*. Rhotacism is already carried out completely; we find *duonoro* (= *bonorum*), *ploirume*, not as in the chant of the Salii *fœdesum, plusima*. Our surviving inscriptions do not in general precede the age of rhotacism; of the earlier usage only isolated traces occur, such as afterwards *honos, labos* alongside of *honor, labor*; and the similar feminine *prænomina, Maio* (= *maios, maior*) and *Mino* in recently found epitaphs at Præneste.

grammar, elementary instruction, also, though it did not now spring up for the first time, must have undergone a certain improvement. As Homer was the oldest Greek, and the Twelve Tables was the oldest Roman, book, each became in its native land the essential basis of instruction, and the learning by heart the juristico-political catechism was a chief part of Roman juvenile training. Alongside of the Latin "writing-masters" (*litteratores*) there were of course, from the time when an acquaintance with Greek was indispensable for every statesman and merchant, also teachers of the Greek language (*grammatici**), partly tutor-slaves, partly private teachers, who at their own dwelling or that of their pupil gave instructions in the reading and speaking of Greek. As a matter of course the rod played its part in instruction as well as in military discipline and in police.† The instruction of this epoch cannot however have passed beyond the elementary stage: there was no material shade of difference, in a social respect, between the educated and the non-educated Roman.

Exact sciences.

That the Romans at no time distinguished themselves in the mathematical and mechanical sciences is well known, and is attested, in reference to the present epoch, by almost the only fact which can be adduced under this head with certainty—the regulation of the calendar attempted by the decemvirs. They wished to substitute for the previous calendar based on the old and very imperfect *trieteris* (P. 220) the contemporary Attic calendar of the *octaeteris*, which retained the lunar month of 29½ days, but assumed the solar year at 365¼ days instead of 368¾, and therefore, without making any alteration in the length of the common year of 354 days, intercalated, not as formerly 59 days every four years, but 90 days every 8 years. With the same view the improvers of the Roman calendar intended (while otherwise retaining the current calendar), in the two intercalary

Regulation of the calendar.

* *Litterator* and *grammaticus* are related nearly as elementary teacher and teacher of languages with us; the latter designation belonged by earlier usage only to the teacher of Greek, not to a teacher of the mother-tongue. *Litteratus* is more recent, and denotes not a schoolmaster but a man of culture.

† It is at any rate a true Roman picture, which Plautus (*Bacch.* 431) produces as a specimen of the good old mode of training:—

> . . . *ubi revenisses domum,*
> *Cincticulo præcinctus in sella apud magistrum adsideres;*
> *Si, librum cum legeres, unam peccavisses syllabam,*
> *Fieret corium tum maculosum, quam est nutricis pallium.*

years of the four years' cycle, to shorten not the intercalary months, but the two Februaries by 7 days each, and consequently to fix that month in the intercalary years at 22 and 21 days respectively instead of 29 and 28. But want of mathematical precision and theological scruples, especially in reference to the annual festival of Terminus which fell within those very days in February, disarranged the intended reform, so that the Februaries of the intercalary years came to be of 24 and 23 days, and thus the new Roman solar year in reality ran to $366\frac{1}{4}$ days. Some remedy for the practical evils resulting from this was found in the practice by which, setting aside the reckoning by calendar months or ten months (P. 220) as now no longer applicable from the inequality in the length of the months, wherever more accurate specifications were required, they reckoned by terms of ten months of a solar year of 365 days, or by the so-called ten-month year of 304 days. Over and above this, there came early into use in Italy, especially for agricultural purposes, the farmers' calendar based on the Egyptian solar year of $365\frac{1}{4}$ days by Eudoxus (who flourished 366). 368.

Architecture and design.

A higher idea of what the Italians were able to do in these departments is furnished by their works of architecture and design, which are closely associated with the mechanical sciences. Here too we do not find phenomena of real originality; but if the impress of borrowing, which the plastic art of Italy bears throughout, diminishes its artistic interest, there gathers around it an historical interest all the more lively, because on the one hand it affords the most remarkable evidences of an international intercourse of which other traces have disappeared, and on the other hand, amidst the wellnigh total loss of the history of the non-Roman Italians, art is almost the sole surviving index of the life and activity which the different peoples displayed. No novelty is to be reported in this period; but what we have already shown (P. 248) may be illustrated in this period with greater precision and on a broader basis, namely, that the impulses derived from Greece powerfully affected the Etruscans and Italians on different sides, and called forth in the former a rich and luxurious, in the latter, where they had any influence at all, a more intelligent and genuine, art.

Architecture.

We have already shown how wholly the architecture of all the Italian lands was, even in its earliest period, pervaded

by Hellenic elements. Its city walls, its aqueducts, its tombs with pyramidal roofs, and its Tuscanic temple, are not at all, or not materially, different from the oldest Hellenic structures. No trace has been preserved of any advance in architecture among the Etruscans during this period; we find among them neither any really new reception, nor any original creation, unless we ought to reckon as such the magnificent tombs, *e. g.* the so-called sepulchre of Porsena at Chiusi described by Varro, which vividly recalls the strange and meaningless grandeur of the Egyptian pyramids.

Etruscan.

Latin.

In Latium too, during the first century and a half of the republic, it is probable that architecture moved simply along the beaten track, and it has already been stated that the exercise of art rather sank than rose with the introduction of the republic (P. 463). There can scarcely be named any Latin building of architectural importance belonging to this period, except the temple of Ceres built in the Circus at Rome in 261, which was regarded in the period of the Empire as a model of the Tuscanic style. But towards the close of this epoch a new spirit appears in Italian and particularly in Roman architecture (P. 464); the building of its magnificent arches began. It is true that we are not entitled to pronounce the arch and the vault Italian inventions. It is, indeed, ascertained that at the epoch of the genesis of Hellenic architecture the Hellenes were not yet acquainted with the arch, and therefore had to content themselves with a flat ceiling and a sloping roof for their temples; but the arch may very well have been a later invention of the Hellenes originating in more scientific mechanics; indeed, the Greek tradition refers it to the natural philosopher Democritus (294-397)[406-357]. With this priority of Hellenic over Roman arch-building the hypothesis, which has been often propounded and perhaps justly, is quite compatible, that the vaulted roof of the Roman great *cloaca*, and that which was afterwards thrown over the old Capitoline well-house (which originally had a pyramidal roof—P. 243), are the oldest extant structures in which the principle of the arch is applied; for it is more than probable that these arched buildings belong not to the regal but to the republican period (P. 117), and that in the regal period the Italians were acquainted only with flat or overlapped roofs (P. 244). But whatever may be thought as to the invention of the arch itself, the application of a principle on a great scale

495.

The arch.

406–357.

is everywhere, and particularly in architecture, at least as important as its first exposition; and this application belongs indisputably to the Romans. With the fifth century begins the building of gates, bridges, and aqueducts based mainly on the arch, which is thenceforth inseparably associated with the Roman name. Akin to this was the development of the form of the round temple with the dome-shaped roof, which was foreign to the Greeks, but was a peculiar favourite with the Romans and was especially applied by them in the case of their peculiar non-Grecian worships, particularly that of Vesta.*

Something the same may be affirmed as true of many subordinate, but not on that account unimportant, excellences in this field. They do not lay claim to originality or evince creative art; but the firmly-jointed slabs of the Roman streets, the indestructible highways, the broad hard ringing tiles, the everlasting mortar of their buildings, proclaim the indestructible solidity and the energetic vigour of the Roman character.

Like architectural art, and, if possible, still more completely, the arts of painting, sculpture, and engraving were not so much matured by Grecian stimulus as developed from Grecian seeds on Italian soil. We have already observed (P. 246) that these, although only younger sisters of architecture, began to develop themselves at least in Etruria even during the regal period; but their principal development in Etruria, and still more in Latium, belongs to the present epoch, as is very evident from the fact that, in those districts which the Celts and Samnites wrested from

Arts of painting, sculpture, and engraving.

Etruscan.

* The round temple certainly was not, as has been supposed, an imitation of the oldest form of the house; on the contrary, house architecture uniformly starts from the square form. The later Roman theology associated this round form with the idea of the terrestrial sphere, or of the universe surrounding like a sphere the central sun (Fest. *v. rutundam*, p. 282; Plutarch, *Num.* 11; Ovid, *Fast.* vi. 267, *seq.*). In reality it rests simply on the fact that the circular was recognized as the most convenient and the safest form for enclosure and custody. That was the rationale of the round *thesauroi* of the Greeks as well as of the round structure of the Roman store-chamber, or temple of the Penates. It was natural, also, that the fireplace—that is, the altar of Vesta—and the fire-chamber—that is, the temple of Vesta—should be constructed of a round form, just as was done with the cistern and the well-enclosure (*puteal*). The round style of building in itself was Græco-Italian as was the square form, and the former was appropriated to the store-place, the latter to the dwelling-house; but the architectural and religious development of the simple *tholos* into the round temple with pillars and columns was Latin.

the Etruscans in the course of the fourth century, there is scarcely a trace of the practice of Etruscan art. The plastic art of the Tuscans applied itself first and chiefly to works in terra-cotta, in copper, and in gold—materials which were furnished to the artists by the rich strata of clay, the copper mines, and the commercial intercourse of Etruria. The activity with which moulding in clay was prosecuted is attested by the immense number of bas-reliefs and statuary works in terra-cotta with which the walls, gables, and roofs of the Etruscan temples were formerly decorated as their still extant ruins show, and by the trade which can be shown to have existed in such articles between Etruria and Latium. Casting in copper occupied no inferior place. Etruscan artists ventured to make colossal statues of bronze fifty feet in height, and at Volsinii, the Etruscan Delphi,
265. there were said to have been about the year 489 two thousand bronze statues. Sculpture in stone, again, began in Etruria, as indeed everywhere else, at a far later date, and was prevented from development not only by internal causes, but also by the want of suitable material; the marble quarries of Luna (Carrara) were not yet opened. Any one who has seen the rich and elegant gold decorations of the south-Etruscan tombs will have no difficulty in believing the statement, that the Tyrrhene gold cups were valued even in Attica. Gem-engraving also, although more recent, was in various forms practised in Etruria. Equally dependent on the Greeks, but otherwise fully on a level with the workers in the plastic arts, were the Etruscan designers and painters, who manifested extraordinary activity both in contour-drawing on metal and in monochromatic fresco-painting.

Campanian and Sabellian.

On comparing with this the domain of the Italians proper, it appears at first, in contrast with the Etruscan riches, almost poor in art. But on a closer view we cannot fail to perceive that both the Sabellian and the Latin nations must have had far more ability and aptitude for art than the Etruscans. It is true that in the proper Sabellian territory, in Sabina, in the Abruzzi, in Samnium, there are hardly found any works of art at all, and even coins are wanting. But those Sabellian stocks, which reached the coasts of the Tyrrhene or Ionic seas, not only appropriated Hellenic art externally, like the Etruscans, but more or less completely acclimatized it. Even in Velitræ, where in spite of the conversion of the city into a Latin colony and afterwards into a

Roman *municipium* the Volscian language and peculiarities appear to have maintained themselves longest, painted terra-cottas have been found, displaying vigorous and characteristic treatment. In Lower Italy Lucania was to a less degree influenced by Hellenic art; but in Campania and in the land of the Bruttii, Sabellians and Hellenes became completely intermingled not only in language and nationality but also, and especially, in art, and the Campanian and Bruttian coins in particular stand so entirely in point of artistic treatment on a level with the contemporary coins of Greece, that the inscription alone serves to distinguish the one from the other. It is a fact less known, but not less Latin.
certain, that Latium also, while inferior to Etruria in the copiousness and massiveness of its productions, was not inferior in artistic taste and practical skill. It is true that there the art of gem-engraving so diligently prosecuted in luxurious Etruria is entirely wanting, and we find no trace that the Latin workshops were, like those of the Etruscan goldsmiths and clay-workers, occupied in supplying a foreign demand. It is true that the Latin temples were not like the Etruscan overloaded with bronze and clay decorations, that the Latin tombs were not like the Etruscan filled with gold ornaments, and their walls shone not, like those of the Tuscan tombs, with paintings of various colours. Nevertheless, on the whole the balance does not incline in favour of the Etruscan nation. The invention displayed in the image of Janus, which, like the god himself, may be attributed to the Latins (P. 173), is not unskilful, and is of a more original character than that exhibited in any Etruscan work of art. The activity of celebrated Greek masters in Rome is attested by the very ancient temple of Ceres; the sculptor Damophilus, who with Gorgasus manufactured the painted terra-cotta figures for it, appears to have been no other than Demophilus of Himera, the teacher of Zeuxis (about 300). The most 450.
instructive illustrations are furnished by those branches of art in which we are able to form a comparative judgment, partly from ancient testimonies, partly from our own observation. Of Latin works in stone scarcely anything else survives than the stone sarcophagus of the Roman consul Lucius Scipio, wrought at the close of this period in the Doric style; but its noble simplicity puts to shame all similar Etruscan works. Many beautiful bronzes of an antique chaste style of art, particularly helmets, candelabra, and the like articles,

have been taken from Etruscan tombs; but which of these
296. works is equal to the bronze she-wolf erected in 458 from the proceeds of fines at the Ruminal fig-tree in the Roman Forum, which is still at the present day the finest ornament of the Capitol? And that the Latin metal-founders as little shrunk from great enterprises as the Etruscans, is shown by the colossal bronze figure of Jupiter on the
293. Capitol erected by Spurius Cæcilius (consul in 461) from the melted equipments of the Samnites, the chisellings of which sufficed to cast the statue of the victor that stood at the foot of the Colossus; this statue of Jupiter was visible even from the Alban Mount. Amongst the cast copper coins by far the finest belong to southern Latium; the Roman and Umbrian are tolerable; the Etruscan almost destitute of any image, and often really barbarous. The fresco-paintings, which Gaius Fabius executed in the temple
302. of Health on the Capitol, dedicated in 452, obtained in design and colouring the praise even of connoisseurs trained in Greek art in the Augustan age; and the art-enthusiasts of the Empire commended the frescoes of Cære, but with still greater emphasis those of Rome, Lanuvium, and Ardea, as master-pieces of painting. Engraving on metal, which in Latium decorated not the hand-mirror, as in Etruria, but the toilet-casket with its elegant outlines, was practised to a far less extent in Latium and almost wholly in Præneste. There are excellent works of art among the copper mirrors of Etruria and among the caskets of Præneste; but it was a work of the latter kind, and in fact a work which most probably originated in the workshop of a Prænestine master at this epoch,* regarding which it could with truth be affirmed that scarcely another product of the graving of antiquity bears the stamp of an art so finished in its beauty and characterization, and yet so perfectly pure and chaste, as the Ficoroni *cista*.

Character of Etruscan art.

The general character of Etruscan works of art is, on the one hand, a sort of barbaric extravagance in material as well as in style; on the other hand, a complete absence of original development. Where the Greek master lightly sketches, the Etruscan disciple lavishes a scholar's diligence; instead

* Novius Plautius (P. 461) cast perhaps only the feet and the group on the lid; the casket itself may have proceeded from an earlier artist, but hardly from other than a Prænestine, for the use of these caskets was really confined to Præneste.

of the light material and moderate proportions of the Greek works, there appears in the Etruscan an ostentatious stress laid upon the size and costliness, or even the mere singularity, of a work. Etruscan art cannot imitate without exaggerating; the severe with it becomes harsh, the graceful effeminate, the awful degenerates into horror, and the voluptuous into obscenity; and these features become more prominent, the more the original impulse recedes into the distance and Etruscan art finds itself left to its own resources. Still more surprising is the adherence to traditional forms and a traditional style. Whether it was that a more friendly contact with Etruria at first allowed the Hellenes to scatter there the seeds of art, and that a later epoch of hostility impeded the introduction of the more recent developments of Grecian art, or whether, as is more probable, the intellectual torpor that rapidly came over the nation was the main cause of the phenomenon, art in Etruria remained substantially stationary at the primitive stage which it had occupied on its first entrance. This, as is well known, forms the reason why Etruscan art, the stunted daughter, was so long regarded as the mother, of Hellenic art. Still more than the rigorous adherence to the style once handed down in the older branches of art, the sadly inferior handling of those that came into vogue afterwards, particularly of sculpture in stone and of copper-casting as applied to coins, shows how quickly the spirit of Etruscan art evaporated. Equally instructive are the painted vases, which are found in so enormous numbers in the later Etruscan sepulchres. Had these come into current use among the Etruscans as early as the metal plates decorated with contouring or the painted terra-cottas, beyond doubt they would have learned to manufacture them at home in considerable quantity, and of a quality at least relatively good; but at the period at which this luxury arose, the power of independent reproduction wholly failed (as isolated vases provided with Etruscan inscriptions show), and they contented themselves with buying instead of making them.

North Etrurian and South Etrurian art.

But even within Etruria there appears a further remarkable distinction in artistic development between the northern and southern districts. It is South Etruria, particularly in the districts of Cære, Tarquinii, and Volci, that has preserved the great treasures of art which the nation boasted, especially in frescoes, temple decorations, gold ornaments,

and painted vases. Northern Etruria is far inferior: no painted tomb, for example, has been found to the north of Chiusi. The most southern Etruscan cities, Veii, Cære, and Tarquinii, were accounted in Roman tradition the primitive and chief seats of Etruscan art; the most northerly town, Volaterræ, with the largest territory of all the Etruscan communities, stood most of all aloof from art. While a Grecian semi-culture prevailed in South Etruria, Northern Etruria was marked by the absence of all culture. The causes of this remarkable antagonism may be sought partly in the diversity of races, South Etruria, being largely peopled in all probability by non-Etruscan elements (P. 130), partly in the different degrees in which Hellenic influence, which must have made itself very decidedly felt in Cære in particular, prevailed. The fact itself admits of no doubt. The more injurious on that account must have been the early subjugation of the southern half of Etruria by the Romans, and the Romanizing (which there began very early) of Etruscan art. What northern Etruria, confined to its own efforts, was able to produce in the way of art, is shown by the copper coins which in the main belong to it.

Character of Latin art.

Let us now turn from Etruria to glance at Latium. The latter, it is true, created no new art; it was reserved for a later epoch of culture to develop on the basis of the arch a new architecture essentially different from the Hellenic, and then to unfold in harmony with that architecture a new style of sculpture and painting. Latin art is nowhere original and often insignificant; but the fresh sensibility and the discriminating tact, that appropriate what is good in others, constitute a high artistic merit. Latin art did not readily become barbarous, and in its best products it comes quite up to the level of Greek technical execution. We do not mean to deny that the art of Latium, at least in its earlier stages, had a sort of dependence on the certainly earlier Etruscan (P. 243); Varro may be quite right in supposing that, previous to the execution by Greek artists of the clay figures in the temple of Ceres (P. 490), only "Tuscanic" figures adorned the Roman temples: but that, at all events, it was mainly the direct influence of the Greeks that led Latin art into its proper channel, is self-evident, and is very obviously shown by these very statues as well as by the Latin and Roman coins. Even the application of graving on metal in Etruria solely to the toilet mirror, and in Latium

solely to the toilet casket, indicates the diversity of the art-impulses that affected the two lands. It does not appear, however, to have been exactly at Rome that Latin art put forth its freshest vigour; the Roman *asses* and Roman *denarii* are far surpassed in fineness and taste of workmanship by the Latin copper, and the rare Latin silver, coins, and the masterpieces of painting and engraving belong pre-eminently to Præneste, Ardea, and Lanuvium. This accords completely with the realistic and sober spirit of the Roman republic, which we have already described—a spirit which can hardly have prevailed with equal intensity in other parts of Latium. But in the course of the fifth century, and especially in the second half of it, there was a mighty activity in Roman art. This was the epoch during which the system of Roman arches and of Roman roads was formed; in which works of art like the she-wolf of the Capitol originated; and in which a distinguished man of an old Roman patrician *gens* took up his pencil to embellish a newly-constructed temple, and thence received the honorary surname of the "Painter." This was not accident. Every great age lays its grasp on all the powers of man; and stiff as were Roman manners, strict as was Roman police, the impulse received by the Roman people as masters of the peninsula—or, to speak more correctly, by Italy united for the first time as one state, became as evident in the stimulus given to Latin and especially to Roman art, as the moral and political decay of the Etruscan nation was evident in the decline of art in Etruria. As the mighty national vigour of Latium subdued the weaker nations, it impressed its imperishable stamp also on bronze and on marble.

APPENDIX.

The Patrician Claudii.

[The views embodied in the text at pages 292 *et seq.*, regarding the political position of Appius the Decemvir have been abandoned by Dr. Mommsen, since the preparation of his third edition, in favour of those which he has briefly indicated in the note at page 292, and which are fully illustrated in the subjoined disquisition read by him at the sitting of the Academy on the 4th March, 1861. I have given it almost entire.—Tr.]

The patrician clan of the Claudii played a leading part in the history of Rome for some five hundred years. Our object in this inquiry is to make some contribution towards a proper estimate of its political position.

We are accustomed to regard this Claudian *gens* as the very incarnation of the patriciate, and its leaders as the champions of the aristocratic party and the conservatives in opposition to the plebeians and the democrats; and this view, in fact, already pervades the works which form our authorities. In the little, indeed, which we possess belonging to the period of the republic, and particularly in the numerous writings of Cicero, there occurs no hint of the kind; for the circumstance, that Cicero in one special instance (*ad Fam.* iii. 7, 5), when treating of the persons of Appius and Lentulus, uses *Appietas* and *Lentulitas*—as what they were—superlative types of the Roman nobility, by no means falls under this category. It is in Livy that we first meet with the view which is now current. At the very beginning of his work the Claudii are introduced as the *familia superbissima ac crudelissimâ in plebem Romanam*, (ii. 56), and throughout the first decad, whenever an ultra aristocrat is needed, a Claudius appears on the stage. For instance, the very first consul of this name, Appius Claudius consul in 259, is contrasted with the gentle Servilius as *vehementis ingenii vir* (ii. 23 *seq.*), and it was no fault of his, that on the secession of the plebs to the Sacred Mount the quarrel was not decided by arms (ii. 29). The next consul of this *gens*, in 283, vehemently opposes the Publilian law as to the election of the tribunes of the plebs in the *comitia tributa*, while his colleague—on this occasion a Quinctius—vainly counsels moderation (ii. 56). The third consul C. Claudius, in 294, unreasonably obstructs the law for preparing a national code, which his colleague of the Valerian *gens* had shortly before his glorious death promised to the people (iii. 19); and although this C. Claudius, as compared with the still more hateful decemvir Appius, plays a mediating and conciliatory part, he afterwards in the dispute regarding the *conubium* contends for the most extreme aristocratic view (vi. 6). The son of the decemvir, who was military tribune in 330, although

there is nothing to be told about him, is not allowed to pass without mention of his hereditary hatred towards the tribunes and the plebs (iv. 36). The same character is ascribed on different occasions to the grandson of the decemvir, who was military tribune in 351, and perhaps consul in 405 (iv. 48, v. 2—6, 20); and on occasion of the Licinio-Sextian laws a detailed defence of the government of the nobility is placed in his mouth (vi. 40, 41, comp. vii. 6). Lastly, on occasion of the censorship of Cæcus, the annalist once more sums up the roll of the Claudian sins (ix. 34).

The Claudii are treated in a similar style by Dionysius on this and a number of other occasions: it is needless to enumerate here the several passages, or to dwell on the speeches in the senate attributed to them, which are intolerable from their insipid wordiness.

The authors of the time of Tiberius, Valerius Maximus and Velleius, naturally indulge in no invectives against the Claudian house; but Tacitus again speaks, just like Livy and Dionysius, of the *vetus atque insita Claudiæ familiæ superbia* (*Ann.* i. 4); and Suetonius in his Lives of the Cæsars (*Tib.* ii.) says still more expressly, that all the patrician Claudii, with the exception of the tribune of the people P. Clodius, had been conservative (*optimates*) and most zealous champions of the standing and power of the patriciate as opposed to the plebs. These testimonies add no strength to the proof. The later Romans derived their views of men and things under the republic entirely from Livy—that remarkable writer, who, standing on the confines of the old and new periods, still possessed on the one hand the republican inspiration without which the history of the Roman republic could not be written, and, on the other hand, was sufficiently imbued with the refined culture of the Augustan age to work up the older annals, which were plain in conception and rude in composition, into an elegant narrative written in good Latin. The combination of these qualities produced a book which is still as readable now as it was well-nigh two thousand years ago, and that must be reckoned no mean praise; but the annals of Livy are no more a history in the true sense of the term—in the sense in which Polybius wrote history—than the annals of Fabius. A certain systematic aim is observable in it; but that aim is not historical, tracing the causes and effects of things; it is poetical, demanding a narrative unbroken by historic doubts, and requiring representative men and more particularly leading champions of the political parties. He thus needed, by way of contrast to the liberal-conservative Valerii, a prototype of the proud patrician *gentes;* and, if he and in like manner Dionysius—whether after the precedent of some earlier annalist, or of their own choice (a point to which we shall hereafter advert)—have used the Claudii for this purpose, their representations must not be held as absolutely normal for the historical inquirer. Materials for a revision of their judgment are not wholly wanting: in fact, from the honesty with which Livy reproduces the positive accounts which lay before him, most of the materials of this nature have been preserved by him, while Dionysius with his affectation of critical sagacity has in this instance effaced every trace of the genuine truth.

Among the general characteristics of the Claudian *gens* nothing strikes us so much as the fact, that no notable patrician clan has given to the community so few famous warriors as the Claudian house which yet flourished through so many centuries. Suetonius (*Tib.* i.) records among the honours of the clan six triumphs and two ovations; of the former four can be pointed out with certainty, viz. that of Appius Claudius over the Picentes in 486, that of Gaius Nero over Hasdrubal in 547, that of Gaius Pulcher over the Istrians and Ligurians in 577, and that of Appius Pulcher over the Salassi in 611; of

the latter one, viz. that of Appius over the Celtiberians in 580; the second was perhaps that of the dictator in 392. But, as is well known, there was not among the Romans one general in ten triumphators; and of the triumphs just named one alone commemorated an important military success—the gain of the battle of Sena by the two consuls M. Livius and C. Nero; the latter, moreover, belonged to a collateral branch of the patrician *gens* little spoken of in the republican period, the Claudii Nerones. Among the Claudii proper there was not a single soldier of note, and it can be shown that the most important of them did not owe their reputation to their services in the field. How far different was the case with the noble houses of equal standing with the Claudii, such as the Fabii, Æmilii, Cornelii!

On the other hand, no *gens* of the Roman nobility displayed so much activity in science and literature from the earliest times as the Claudian house. From the decemvir Appius Claudius proceeded, as is well known, the Roman code of law, which, as the oldest Roman book, as modelled after the laws of Solon, and as including the earliest calendar that was publicly promulgated, exercised even in a literary and scientific point of view the deepest and most permanent influence. To the achievements of the censor Appius Claudius in this respect we shall return. Even in subsequent times, when culture was general, there are various evidences that the patrician Claudii continued to have at heart the interests of science. I may refer to the different ædileships of men of this *gens*, which form epochs in the history of the theatre; to the adept in the Greek mysticism contemporary with Cicero, Appius Claudius consul in 700, and his Eleusinian Propylæum, the votive inscription of which has been recently found;* and to the emperors Tiberius and Claudius, both of whom cherished a deeper interest in philology and archæology than is common with princely *dilettanti*.

It will be allowed that neither of these observations tells exactly in favour of the current view of the Claudian family. The aristocratic party at all times has set a higher value on martial prowess than on mental gifts; democracy on the contrary and above all the Roman democracy, down to a late age, sought its field in the Forum and out of the reach of the sabres, and found powerful levers in science and art. How is all this reconcileable with the *familia superbissima ac crudelissima in plebem Romanam?* And various other considerations might be adduced. The statement that the Claudii only migrated to Rome in the sixth year after the expulsion of the kings is utterly untrustworthy as to date, and is in fact certainly false; no co-optation by the noble clans, as can be shown (see p. 265), could legally take place after the introduction of the republic; moreover the Claudian *gens*, which gave its name to a Roman tribe, and which appears at an early date in the Fasti, cannot possibly have migrated to Rome at so recent a period. But, apart from the date, the fact itself of the migration of the Claudii from Sabina is attested by a highly credible family tradition; and it is a surprising circumstance that this same patrician clan, which was almost the only one to preserve and to value the recollection of its having come from abroad, should have furnished the champions of the native patricians. The Claudii, too, were the only patrician *gens* which had a counterpart of the same name and of kindred origin among the old plebeian nobility; for that more than a mere nominal kinship was assumed to exist between the patrician Claudii and the plebeian Marcelli, is attested by the competing claims of the two houses in the case of heritages passing to *gentiles* (Cic. *de Orat.* i. 39, 176).

* Bull. del Instituto, 1860, p. 225.

One would think that this relation must have constituted a connecting bond between the patrician Claudii and the plebs, rather than the reverse.

But general considerations of this sort do not determine the matter. The question depends on the political position which the prominent men of the Claudian *gens* took up, and by which they determined that of the whole *gens*, so far as in the case of the latter we can speak of such a position at all. Now of such prominent men the Claudian clan in the earlier centuries of the republic produced two,—Appius the Decemvir and Appius the Censor: of the other Claudii of this epoch we know, laying aside idle inventions, just about as much as we know of the Egyptian kings—their names and their years of office. We shall have to treat accordingly in the first instance of the two former, and then to subjoin what is to be said regarding the far less important Claudii of later regular history.

The accounts given in the Annals which have reached us regarding the Ap. Claudius who was consul in 283 and decemvir in 303 can certainly make no claim to historical credibility, and are still more corrupted and disfigured than other accounts of the same epoch. Authors, who record under the year 284 the death of the man who was decemvir twenty years afterwards, will receive no credit when they report his speeches in the forum and the senate, and the history of his impeachment. Yet the most important facts relating to the origin of the Twelve Tables are as little doubtful as the Twelve Tables themselves; and in this case it is not difficult to separate the historical kernel from the loose tissue of fable in which it has been enwrapped. First of all, it is clear and indisputable that the committal of the public law to writing was a measure directed against the patrician magistrates, and consequently against the patrician government itself. Moreover, it is no less certain that the decemvirs were not all patricians. For, if there is anything good and reliable in what has been handed down to us, the list of magistrates is so; and we know the patrician *gentes* sufficiently to be certain that, while the decemvirs first nominated were all patricians, of those elected in 304 at least the three described by Dionysius (x. 58) as plebeian, and probably two others—or, in other words, one-half—were plebeians. The circumstance that Livy in his narrative itself says nothing of the quality of the members of this college, and afterwards in a speech (iv. 3) calls all the decemvirs patricians, is of no moment. Niebuhr, who did not fail to see the conclusive force of the evidence in favour of the plebeian character of a portion of the second decemvirs, supposes (and Schwegler assents to his view) that the first and second decemvirate were different in kind,—the former being an extraordinary legislative commission, the latter a college of archons organized as a permanent institution and composed of both orders. But this hypothesis is opposed to all tradition, as well as to all probability; the two sets of magistrates occurring in so close succession, both occupied with the preparation of the legal code, and both comprehended under the same title *decemviri consulari imperio legibus scribundis* in the roll of magistrates, must have been in constitutional law homogeneous. Consequently nothing remains but the hypothesis, that the decemvirate stood open from the first to both orders; and this view is necessarily demanded by the analogy of the military tribunate *consulari potestate*. For the essential features—the substitution of a larger number of magistrates for the pair, and the assigning to these magistrates not the title and rank of consul with the relative honours (right to hold a triumph and to carry images of ancestors), but only delegated consular power—are common to the military tribunate and the decemvirate; and, as the military tribunate was notoriously organized in this way just in order to make the supreme magistracy, but not the highest

honours of that magistracy, accessible to the plebeians, the decemvirate cannot well be conceived otherwise than common from the first to both orders. The fact that the first college still consisted exclusively of patricians is not inconsistent with this hypothesis, but agreeable to all analogy; the military tribunate in like manner, although always common in law, remained practically for many years in the hands of the patricians. Lastly, Livy himself narrates the course of the matter as if the plebs had demanded at first a commission composed of plebeians, and then one in which the two orders were to be mixed (iii. 9, 5; iii. 31, 7 *plebeiæ leges*), and yet the ten commissioners were at last chosen from the patricians: *placet creari decemviros— adniscerenturne plebei controversia aliquamdiu fuit; postremo concessum patribus, modo ne lex Icilia de Aventino aliæque sacratæ leges abrogarentur* (iii. 31). It is easy to see how the older view has here been not really altered, but thrown into confusion by the omission of the circumstance that the plebeians carried their demand for the appointment of a mixed magistracy. What was true of the election, viz., that patricians only were fixed upon, was erroneously referred to the institution itself—an error which might be the more readily excused, as the point related not to a magistracy that was often to recur, but to a college which was to finish within its year of office the compilation of the code for which preparations had long been making, and consequently was to be elected only once.

If we reflect on these surely-established facts, first, that the obtaining of a written body of law was in itself a severe defeat of the nobility, and secondly, that men of both orders could be, and were, placed on the legislative commission and that the eligibility of the plebeians to the supreme magistracy was first legally and practically recognized in that commission, it is plainly preposterous to make the head of the decemvirate the leader of the patrician party. This, however, is what Livy has done; but that the older annals, characterized by less of literary taste and by a more vivid realization of the matters which they narrate, did not give any such version, may be proved from his own pages. He introduces his narrative of the second decemvirate by the remark that a new spirit had possessed Appius and the furious patrician had all at once become a mob-courtier (*plebicola*, iii. 33)—that, surrounded by the leading men of the plebs, the Duellii and Icilii, he had appeared in the forum, and had by vile demagogic arts carried his re-election for the next year and the nomination of men of little standing as his colleagues (iii. 36). By this view Livy thenceforth abides on the whole, although he now and again falls back on the earlier, representing the decemvirs for instance as afterwards appearing with a retinue of young patricians, and under its protection perpetrating their deeds of violence (iii. 37). This new spirit, which is alleged to have strangely taken possession of Appius at the close of 303, is evidently none other than that eliminated from his character by the misrepresentations of later historians but ascribed to him by the earlier annals generally, and that which alone befitted the part that he played —the spirit of a patrician demagogue who eventually becomes a *tyrannus* to patricians as well as plebeians. How much in the story of his fall is historical, and what may have been the real incidents of the process of Virginia—the murder of Siccius seems to have been a late addition—cannot of course be ascertained, and is a matter of comparative indifference; but the import of that story of Virginia, given in Diodorus and consequently proceeding from Fabius, may be easily perceived and is significant enough, even should it be an invention. The unjust judicial sentence pronounced in his own personal interest, not in that of his order, the coming forward of the complaisant accommodating retainer, the greedy lust from which the maiden only saves her

honour in death—these are well-known traits in the picture of the ancient *tyrannus*; and, in fact, the charge of usurping the *tyrannis* is brought up very distinctly in many passages by Livy against the second decemvirs generally (iii. 36; *decem regum species erat*, c. 32; *id vero regnum haud dubie videri*, c. 39; *decem Tarquinios*. The emperor Claudius also speaks of *decemvirale regnum* on the Lyons Tables, i. 33). There was certainly good reason also for placing the demagogic *gens* of the Icilii in the foreground both at the second election of Appius and at the catastrophe. The oldest annals, written in a patrician spirit, showed at this point (when they were compelled to relate the momentous victory of the plebs over the nobility) by an instructive example, what fruit the people themselves derived from such a success of the popular party; how every demagogue naturally turns into a tyrant; how the honest plebeian, who had helped to place Appius in the judgment seat, himself suffered most at the hands of the judge; and how the plebs, thoroughly cured of its blindness by such consequences of its own act, took up arms against the self-constituted tyrant, was brought back by its true aristocratic protectors, the Valerii and Horatii, to that old constitution which could alone give happiness, and at length received from them as a free gift the real prize for which the plebs had contended, but which the demagogues turned tyrants had neglected to confer—the completion of the legal code. This no doubt is not history, but it approaches nearer to the reality than the well-written but ill-concocted *epidexis* of Livy.

Respecting Appius Claudius Cæcus, censor in 442, consul in 447 and 458, the accounts are both more trustworthy and more copious. Niebuhr has already formed a judgment substantially correct regarding him, and I have in my History of Rome given a short sketch of him, in the main outlines of which I have no occasion to make any change, although, in consequence of my not then possessing an insight into the very peculiar character of the traditional accounts of the Claudii, there are various misapprehensions in the details. He was not only no representative of conservative tendencies, but a decided revolutionist, although he employed the forms and handles furnished by the constitution for the purpose of overthrowing it. Let us briefly review the accounts handed down in regard to him. First of all, the story of his blindness has perhaps arisen solely from the misunderstanding of a surname. That the current story, which represents him as struck with blindness by Hercules on account of a sacrilegious offence committed in his censorship of 442, is absurd with reference to a man who was twice afterwards consul, has long been seen; and it is also evident that the version of Diodorus (xx. 10), according to which he *feigned himself* blind in order that he might have a suitable pretext for keeping aloof from the senate which was hostile to him, is simply a second absurdity which has grown out of a perception of the first. The view now accepted, that Appius had grown blind in his old age, is inconsistent with the Capitoline Fasti, which already under 442 register him as *Ap. Claudius C. f. Ap. n. Cæcus*; as they distinctly specify surnames acquired after entering on office as such (stating for instance in the very case of his colleague: *C. Plautius C. f. C. n. qui in hoc honore Venox appellatus est*), their compilers appear to have regarded *Cæcus* as a simple cognomen, and the fact of his being blind at all is thus rendered doubtful. It is possible, no doubt, that they may either have fallen into an oversight or may have wished in this way to avoid those absurdities of the older annals, and that the current hypothesis may still be the truth; certainty is not on such a question to be attained.

Of the martial deeds of Appius there is little to tell. Although he was once dictator, twice consul, and twice prætor, and took the field against the Sam-

nites and Etruscans, and although his activity fell within the epoch of Rome's greatest military glory, yet he never triumphed. He built a temple to Bellona, but it is well known that man not unfrequently pays the most zealous homage to the divinity that scorns him. The really significant activity of Appius belongs to the field of civil life. In particular, that speech of the venerable old man who had long retired from all state affairs, which vanquished the first Greek diplomatist that appeared in the Roman senate, and at a decisive moment gave new courage and power to the Roman government—the speech against Pyrrhus—remained indelibly engraven on the memory of posterity. It contributed not a little to its interest, that it was the first which, so far as we know, was committed to writing in Rome—at least Cicero, who read it, had no doubt of its genuineness. Nor have we any reason to regard his poetical "sayings" (*sententiæ*), which Panætius had read, as spurious; they were maxims of a general nature, such as that "he who gets a sight of a friend forgets his grief" (Prisc. viii. 18), and the well-known saying, "every one is the architect of his own fortune" (Sallust, *de Ord. Rep.* i. 1); when Cicero called them Pythagorean, he was undoubtedly thinking of the "Golden Words" of Pythagoras, and this oldest Latin poem must in fact have been formed under the influence of such Greek collections. He is said also to have introduced the practice of writing the *r* between two vowels instead of the earlier *s* (Dig. i. 2, 2, 36), and to have banished the use of *z*,* doubtless bringing the writing into conformity with the pronunciation. The more bold and far-seeing spirit of innovation, which is discernible in his literary activity, marks also his political career; and it is remarkable how he in this respect walks in the steps of his great-great-grandfather, the decemvir. The publication of the *legis actiones*, which was carried out by his clerk Cn. Flavius beyond all doubt at his suggestion—by some indeed it was attributed to himself (Dig. *l. c.*)—was virtually the publication of a revised and enlarged code. The Twelve Tables, indeed, were in substance a regulation of civil procedure; and the object in both cases, as in all similar instances, was to emancipate the common citizen from dependence on the caprice of the noble magistrate and on the advice of the no less noble men of lore, by means of a written code accessible to all. The same remark applies to the Fasti, which at that time were still in the main what the name indicates, a list of court days: as the calendar had been an integral part of the Twelve Tables, it was now made a part of the legal directory of Flavius, and was diffused along with the latter in the form of a book.

A mere notice may suffice for the innovations of Appius in ritual matters; viz., the transference of the public worship of Hercules in the Forum Boarium from the *gens* of the Potitii to the charge of public slaves, and the ejection of the guild of *tibicines* from the temple of Jupiter, which in the following year led to the well-known quarrel so happily ended by the jocose diplomatic intervention of the Tiburtines and the yielding of the senate.

The conversion of the burgess-qualification hitherto in force from landed property into a money-rating was materially modified by the successor of Appius in the censorship, the great Quintus Fabius; but enough of his innovations remained both as regards the *comitia tributa* and the *comitia centuriata*, but more especially the latter, to associate the censorship of Appius with perhaps the most material constitutional change which ever took place in republican

* Mart. Cap. i. 3, § 261, Kopp.: *z idcirco Appius Claudius detestatur, quod dentes mortui dum exprimitur imitatur*, where we should perhaps read *dentis morsus*. Appius, it is probable, only assigned (or was alleged to have assigned) this as a reason for the banishment of the *z* from the language and writing.

Rome. The nomination of sons of freedmen as senators, the omission to purge the senatorial and equestrian rolls of disreputable and infamous individuals, and the election, at the suggestion of Appius, of his clerk Cn. Flavius the son of a freedman to a curule office; the spending of the moneys accumulated in the treasury, without the previous sanction of the senate, on magnificent structures called—a thing hitherto unheard of—after the builder's name; the Appian aqueduct and the Appian highway; lastly, his prolongation of the censorship beyond the legal term of eighteen months; are each and all measures diametrically opposed to Roman conservatism and to Roman reverence for the constitution and for use and wont, and belonging to the most advanced demagogism—measures which savour more of Cleisthenes and Pericles than of statesmen of the Roman commonwealth. "Such a character," Niebuhr aptly remarks, "would not surprise us in the history of Greece; in that of Rome it appears very strange." It is not my intention at present to do more than merely to indicate these several undertakings of Appius, which in general are sufficiently well known, and which could not be adequately estimated without lengthened and minute explanation. I shall only further mention a general opinion as to the character of his proceedings in the censorship, and an isolated notice which has not hitherto been correctly apprehended. The opinion to which I refer is that of Fabius, preserved by Diodorus (xx. 36). He says under the year 444–5, "One of the censors of this year, Appius Claudius, on whom his colleague was entirely dependent, disturbed many things in use and wont, for, ministering to the multitude, he troubled himself little about the senate." The notice to which I refer occurs in Suetonius (*Tib.* ii.) In enumerating the injuries done by the Claudii to the commonwealth, he says, *Claudius Drusus, statua sibi diademata ad Appi Forum posita, Italiam per clientelas occupare temptavit.* According to the order in which this statement occurs, it falls between the decemvirate and the first Punic war. It has at all times, and very justly, excited extreme suspicion; few perhaps will be inclined with Niebuhr to hold it, simply as it stands, as historical, and to see in this Claudius Drusus an otherwise totally unknown tyrant of Italy. The name in fact is demonstrably corrupt, not only because *Claudii Drusi* do not occur elsewhere, but more especially because Suetonius after discussing the paternal ancestors of the emperor Tiberius passes on to the maternal, and then treats minutely of the *Livii Drusi* and of the origin of that cognomen. He could not but have noticed so singular a coincidence of the two families in the possession of a cognomen anything but frequent, had that name of Claudius Drusus been the real one; whereas the subsequent occurrence of the cognomen Drusus might lead a copyist to anticipate it at the wrong place. Beyond all doubt no other can be really meant here but Appius Cæcus; for he not only falls in point of time exactly within the requisite epoch and is the only one of all the Claudii against whom such a charge as that indicated by Suetonius is rationally conceivable, but the Forum Appii, the present Foro Appio between Treponti and Terracina not far from Sezza, was, like the Appian way, his work—situated amidst that immense embankment of hewn stone carried right through the Pomptine marshes, in the construction of which, as Diodorus says, Appius exhausted the treasure of the state and left an eternal monument to his name. To him alone could the idea occur of having a statue erected to himself at this otherwise inconsiderable place; and it is rather easy to understand how the, at that time novel, institution of a market village along the highway, and the naming of it after its originator, might give rise to the allegation that its founder designed to bring all Italy under his power by forming client-communities. Valerius Maximus also assigns to

Cæcus *plurimas clientelas* (viii. 13, 5). What alteration should be made, I know not; perhaps the passage ran, *Cæcus rursus statua sibi diademata ad Appi Forum posita Italiam per clientelas occupare temptavit.*

The portrait of Cæcus, as it has just been sketched, is delineated in our tradition in strong, clear, mutually harmonious lines. At the same time it must be added that it strictly suits only Appius as censor; in the two consulships which he held after his censorship and in his other later activity we encounter no more of that vehemently revolutionary spirit. It must be assumed that he himself, in his later years, abandoned the career on which he had entered at first, and became reconciled in some measure with the existing conservative government—but for this, we do not see how he could have ended otherwise than like the Gracchi or like Cæsar. But though this be granted, it is clear that Appius Cæcus was not, any more than the decemvir Appius, an appropriate representative of the strict aristocratic party; and Livy, when he treats Cæcus in this light, has certainly assigned to him a part most incongruous to his character. It is necessary, not in order to complete our view of Cæcus, but in order to perceive the character of Livy and of that mode of writing history which he represents, that we should dwell for a moment on the false colours with which this Claudius as well as all the rest has been overlaid. I do not include among these the statement that the builder of the Temple of Bellona placed in it the escutcheons of his ancestors with a list of the curule offices filled by each (Plin. *H. N.* xxxv. 3, 12, where this is erroneously referred to the consul of 259); pride of nobility is very compatible with the character of a Pericles, and Cæsar with all his demagogism boasted of his descent from Venus. But the view given of the censorship of Appius, as we read it in Livy (ix. 29, 30, 33, 34), is very strange, not so much on account of the occasional attacks on the "inborn arrogance" of the Claudii "that family destined by fate to quarrel with the plebs" (ix. 29, 33), as because all his palpably demagogic measures are passed over in silence—a silence which is the more evidently intentional, as the most important of these, the enrolment of those who had no landed property in the tribes, is afterwards mentioned incidentally under the censorship of Fabius (x. 7). It is no less remarkable that Livy (x. 15) represents Appius Claudius as again heading the opposition to the Ogulnian law of 454, which abolished the last substantial privilege of the patricians as respected the great priestly colleges; and here, at the close of the whole strife between the orders, once more contrasts him as the incarnation of patricianism with the figure of the pure plebeian hero, Decius Mus. Nor is this even enough. At the consular election of 458 the same Appius is said to have attempted unconstitutionally to bring in a second patrician, Q. Fabius Rullianus, as consul along with himself, and the project is said to have been thwarted solely by the loyal magnanimity of Fabius (x. 15). A different, but analogous story is given by Cicero (*Brut.* xiv. 55); according to which Cæcus in the capacity of interrex presiding at the elections (he filled this office, according to Livy, x. 11, in 455—on which occasion, however, as the first interrex he could not have conducted the election—and according to his *elogium* on two other occasions unknown to us) is said to have rejected the votes given for plebeian candidates for the consulship, and thus to have led the tribune of the people, M'. Curius, to propose a further restriction of patrician privileges. That these evidently kindred stories are highly incredible, is plain to every one conversant with the matter; how is it possible that, at a time when the patricians had been divested almost without resistance of the last privileges of their order, and when the plebeians had had their title to share in the consulship not only constitutionally secured ever since men could remember, but also long confirmed by

usage, the idea of such a restriction should have entered the mind of a mature statesman? And these accounts, in themselves more than suspicious, are coupled with the names of men than whom none could have been selected more unsuitable. The crazy patrician, who brings forward these absurd projects, is no other than the censorial demagogue Appius Cæcus who was for good reasons at bitterest feud with the ruling conservative party; and the person, whom he unconstitutionally selects as his colleague for 458, is no other than Fabius Rullianus, who had checked the unbounded demagogism of Appius on succeeding him in the censorship. We might be disposed to recognize in this one of those singular political conversions which now and then occur in the history of the world. But, as abrupt transition from one party extreme to another and renegade arrogance have at no time been regarded as specially honourable, and as so much is said about Cæcus and that ordinarily in the way of censure, such a change of sides, which must have produced the greatest sensation, would certainly have been prominently noticed in the accounts. But we nowhere meet with any hint of the kind: on the contrary, we have seen even the censorship of Appius, clearly as it bears on the face of it the stamp of demagogism, divested as far as possible of any such character in the narrative of Livy. To this falls to be added the spirit of perversion and invention hostile to the Claudii, which pervaded the older annals generally. The delineation of the character of Cæcus—towards whom the ninth and tenth books of Livy exhibit various traces of an altogether peculiar hatred—cannot be separated from the history of the trial and suicide of Appius Claudius, consul in 283, as told by Dionysius and Livy, which has been demonstrated to be a pure lie foreign to the earlier annals by the mention of the same man in the Capitoline Fasti twenty years later; from those constantly recurring consular and senatorial speeches of Claudii hostile to the people; from that irrational misrepresentation of the decemvir; or, generally, from the whole class of anti-Claudian stories. Nothing remains accordingly but the hypothesis, that the anti-popular anecdotes attached to the demagogue Cæcus—turning, it may be remarked, throughout on easily invented trifles and nowhere affecting his leading and well-known actions—have been designedly invented.

It thus appears that at a pretty early period a pencil not merely hostile generally to the Claudii, but specially assailing them as the hereditary foes of progress and of democracy, has been at work in the Roman annals, and has caricatured its portraits with more good-will than judgment. Who it was that wielded it, can only be guessed inferentially. That the earliest annalists, and Fabius in particular, knew nothing of these lies, is clear from what we have said above. On the other hand they cannot well have originated with Livy; this far from honourable species of libel concealing itself under the falsifying of documents is by no means consistent with the morally pure character of his work, and besides there was no ostensible ground for it in his case. For, when Livy wrote the first decad, there remained no man of note belonging to the main stock of the patrician Claudii, and probably none of them remained at all except the son of P. Clodius, who was utterly insignificant and was ruining himself by reckless debauchery; the collateral branch of the Nerones was then obscure, Tiberius the future emperor was still a boy. Further, it is far from credible that Dionysius, whose books are evidently pervaded by the same tendency, and who professes even in numerous cases when Livy is silent to give us antidemocratic speeches of the Claudii, should have in this matter rested solely on Livy and invented, in a similar spirit, what he did not find there. Besides, if the notice in Cicero's *Brutus* has been correctly estimated above, this series of falsifications must have already existed in Cicero's time;

but the "Claudian arrogance" was certainly not yet at that time generally recognized and familiar, otherwise no doubt Cicero would not have allowed so suitable a handle for invective against his mortal enemy Clodius wholly to escape him. Lastly, these falsifications bear on the face of them the stamp of a democratic origin. Putting together all these indications, we may at all events suggest a name to which the suspicion of having set afloat these plebeian libels on the Claudian house may not without warrant be attached. It is that of Licinius Macer. Macer was, as is well known, a contemporary of Cicero, senior to him by a few years (tribune of the people in 681, died, after having served the prætorship, in 688), a notorious democrat and the author of ill written and not much read annals, which however, it can be shown, formed a main authority both with Livy and with Dionysius. I have shown in my *Chronologie* that this man, who had been legally condemned for extortion and probably on that account committed suicide, was not only a thief, but at the same time a thoroughly shameless falsifier. It is true that nothing is known of any special quarrel between him and the patrician Claudii; but all the latter were, in the period of Sulla and the subsequent times, in the oligarchic camp and most decidedly opposed to Macer and his party, and we may perhaps even point out the individual who specially attracted the hatred of the democrats. Few of the acts of Gaius Claudius consul in 662 are recorded; but his extraordinary influence in the state is more than once (Cic. *pro Planc.* xxi. 51, *Brut.* xlv. 166) prominently referred to in so striking a manner, that we may certainly recognize him as one of the leaders of the senate at this time, and one who may be presumed accordingly to have been specially obnoxious to the party of progress.

Until further investigation shall confirm or remove this suspicion resting on the credibility of Macer and the annalists who derived their accounts from him, we may be allowed to regard it as a reason for cautiously receiving whatever is connected with his authority, especially as it affects a man whose reputation is not thereby rendered worse than it is already.

It remains that we cast a glance at the Claudii of later and purely historical times, and their political position. This, however, need not detain us long. For that there was no clan-policy at all in the sense which not a few modern historians associated with the term, the inquiry which we have just concluded shows by an instructive example; the much-talked-of Claudian policy would seem, from that review, to have been nothing else than a caricature invented by a partisan falsifier of history. In the sixth and seventh centuries the Claudii had no remarkable prominence; the good and bad qualities which pretty uniformly marked the Roman oligarchy characterized them also, and there are few of the numerous men of this family known to us in the later times of the republic, as to whom we can tell more than their names and titles. Of course the Claudii of this period were, like the rest of the houses of the high nobility, generally found in the conservative camp; yet no notable champion of the oligarchy appeared among them, while there were various men who professed oppositional sentiments or milder views leaning to the popular side. This is especially the case with all those, of whose characters any sketches or even any isolated vivid traits have been preserved. The well-known stories regarding P. Pulcher consul in the first Punic war, who killed the sacred fowls out of spite at Drepana and, in defiance of the senate, nominated Glicia his former clerk as dictator, indicate great insolence doubtless, but not aristocratic arrogance; they rather bespeak that pride which disregards traditional views and class-prejudices, and is really democratic. In the nominating of Glicia, which excited the utmost horror in all genuine patricians for centuries, he was, beyond doubt, influenced by the recollection that his ancestor Cæcus had in-

troduced his clerk Flavius into the senate. C. Pulcher, when censor in 585, prevented his colleague Ti. Gracchus from depriving the freedmen by censorial authority of their right of suffrage, because, as he affirmed, none could be deprived of that right without a decree of the people (Liv. xlv. 15)—a course which was very proper and commendable, but not specially oligarchical. Appius Claudius, consul in 611, is known as one of the most conspicuous promoters of the agitation of the Gracchi; he himself along with the two Gracchi, the elder of whom was his son-in-law, presided over the execution of the scheme of reform as a commissioner for the distribution of lands. As to the tribune of the people P. Clodius, the adopted son of the plebeian Fonteius, it is hardly necessary to prove that he at least was no pearl of conservatism. If, therefore, the very moderate measure of historical truth and importance, which lies at the root of the hypothesis of a hereditary policy in the *gentes*, is to be in future dwelt upon in the case of the Claudii, we shall at least do well utterly to abandon the current tradition, and to regard this patrician house not as the defenders of an obdurate aristocracy, but as the predecessors of the Gracchi and of Cæsar. In this respect the Claudii were justly called to ascend, in combination with the Julian house, the imperial throne, and even on that throne they did not wholly forget the traditional policy of their *gens*; for it is only in the light of that traditional policy that we can rightly understand why Tiberius and Claudius declined the title of *Imperator*, and various similar traits.

ADDITIONS AND CORRECTIONS.

Page 11, line 5, *for* elective *read* innate.
„ 12, „ 5, *for* northern *read* southern.
„ 73, „ 15, *for* acres *read* jugera.
„ 79, „ 40, *cancel the sentence*, Out of the three *tribuni celerum*, &c., *in accordance with the view expressed in the note*, vol. ii. p. 320.
„ 83, „ 8, *for* depute *read* deputy.
„ 88, „ 20, *read* the *before* three.
„ 89, „ 2, *for* deputes *read* deputies.
„ 96, „ 39, *for* Patsch *read* Putsch.
„ 114, „ 27, *for* tufa *read* tufo.
„ 126, „ 43, for *amevaχrlautn* read *amevaχr lautn*.
„ 128, „ 39, 40, *for* Rhætian *and* Rhæti *read* Rætian *and* Ræti.
„ 142, „ 9, *for* Crotona *read* Croton.
„ 156, „ 20, *for* offscourings *read* shreds *or* parings.—The expression is taken from a passage in Goethe's *Faust*.
„ 162, „ 45, *for* atticles *read* articles.
„ 170, „ 18, roofs of lead—*referring to the* piombi *of Venice*.
„ 197, „ 2, *cancel the words*, and one of the earliest events, *&c., to the end of the sentence*.—Dr. Mommsen has recently had his attention called to the fact that in the passage of Pliny (*H. N.* xv. 18, 77), on which this statement is based, the specified date CCLX is not found in the MSS., and has therefore been interpolated.
„ 217, „ 24, *for* applications *read* application.
„ 219, „ 27, *for* days *read* day.
„ 226, „ 42, *for* Itailan *read* Italian.
„ 230, „ 17, delete the word (*vates*) in accordance with note at p. 240.
„ 230, „ 20, *cancel the words*, and the names, *&c., to end of sentence*.—The Marcii were plebeians, and Dr. Mommsen now doubts whether the *vates Marcius* can really claim a higher antiquity than that of the first promulgation of his *carmina*—the period of the second Punic war.
„ 235, „ 3, *for* σφιδη *read* σφιδη.
„ 235, „ 19, insert comma after *maximi*.
„ 240, „ 34, *for* ιεροποιοί *read* ιεροποιδι.

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on 18 July, 2018